

## VIRGINIA ACTS OF ASSEMBLY — CHAPTER

*An Act 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.*

[H 2070]

Approved

**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 appropriated to the Fund in every such five-year period shall be awarded to counties and cities having

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3. Department of Housing and Community Development: Enterprise Zone Job Creation and Real Property Investment Grant Programs;

4. Tobacco Indemnification and Community Revitalization Commission: Tobacco Region Opportunity Fund;

5. Virginia Tourism Authority: Governor's Motion Picture Opportunity Fund;

6. Virginia Port Authority: Port of Virginia Economic and Infrastructure Development Grant Program; and

7. Innovation and Entrepreneurship Investment Authority: Growth Acceleration Program.

C. The report shall assess the effectiveness of allocations made for each program listed in subsection B. Each agency administering programs outlined in subsection B shall submit the applicable data regarding jobs, wages, capital investment, and any other related information requested by the Secretary of Commerce and Trade for purposes of evaluating economic development incentive programs in meeting their performance goals and stimulating economic activity.

For each program, the report shall include (i) an explanation of the overall goals of the program, describing whether the program is focused on job creation and capital investment or investments are governed by ancillary goals of community development and revitalization or the development of a particular industry sector in the Commonwealth; (ii) for each of the previous three calendar or fiscal years, as applicable, summary information, including the total amount of grant funding made available for the program, the total dollar amount of the grants awarded, the total number of grants awarded, the average dollar amount approved per job and average wage expected, where applicable, and any grant amounts repaid; (iii) for each of the three previous calendar or fiscal years, as applicable, for projects that have reached completion or a performance milestone, an aggregate comparison of the projects' performance measures, including the actual number of jobs created, the actual average wages paid, and the actual amount of capital investment, with the expected number of jobs, assumed average wage, and planned capital investment when the grant awards were made, and the proportion of projects that met or exceeded the project-specific goals relevant to the program; (iv) for each of the three previous calendar or fiscal years, as applicable, for all projects that have reached completion or a performance milestone, an aggregate assessment of the projects' actual rate of return on the Commonwealth's investment compared with the expected rate of return when the grant awards were made; (v) for each of the three previous calendar or fiscal years, as applicable, for all projects that have reached completion or a performance milestone, an aggregate estimate of the projects' total economic impact measured by the Virginia Economic Development Partnership Authority on the basis of estimated state tax revenues generated directly or indirectly by the projects, where applicable; and (vi) for all projects that reached completion five calendar or fiscal years, as applicable, prior to the year of the report, an aggregate final comparison of jobs reported by companies at the time of completion and jobs at the end of the most recent calendar year, and an aggregate final comparison of the projects' rate of return at the time of completion and a five-year rate of return based on the most recent job levels.

#### **§ 2.2-419. Definitions.**

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

"Anything of value" means:

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

301 15. Any other thing of value that is pecuniary or compensatory in value to a person.  
 302 "Anything of value" does not mean a campaign contribution properly received and reported pursuant  
 303 to Chapter 9.3 (§ 24.2-945 et seq.) of Title 24.2.

304 "Compensation" means:

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

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

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

312 "*Council*" means the Virginia Conflict of Interest and Ethics Advisory Council established in  
 313 § 30-355.

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

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

321 "Executive official" means:

322 1. The Governor;

323 2. The Lieutenant Governor;

324 3. The Attorney General;

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

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

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

331 "Expenditure" means:

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

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

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

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

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

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

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

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

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

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

358 "Gift" does not mean:

359 1. Printed informational or promotional material;

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

tax purposes;

3. A gift, devise, or inheritance from an individual's spouse, child, parent, grandparent, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin or the spouse of that individual, if the donor is not acting as the agent or intermediary for someone other than a person covered by this subdivision; or

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

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

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

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

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

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

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

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

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

"Legislative action" means:

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

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

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

"Legislative official" means:

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

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

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

"Lobbying" means:

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

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

"Lobbying" does not mean:

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

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

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

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

"Lobbyist" means:

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

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

3. A local government employee who lobbies.

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

"Local government" means:

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

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

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

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

*"Secretary" means the Secretary of the Commonwealth.*

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

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

#### **§ 2.2-420. Exemptions.**

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

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

#### **§ 2.2-424. Registration fees.**

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

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

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

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



requirements of this section.

C. The report shall be on a form provided by the Virginia Conflict of Interest and Ethics Advisory Council, which shall be substantially as follows similar to the following and shall be accompanied by instructions provided by the Council. All reports shall be submitted electronically and in accordance with the standards approved by the Council pursuant to the provisions of § 30-356.

#### LOBBYIST'S DISCLOSURE STATEMENT

##### PART I:

(1) PRINCIPAL: \_\_\_\_\_

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

(2a) Name: \_\_\_\_\_

(2b) Permanent Business Address: \_\_\_\_\_

(2c) Business Telephone: \_\_\_\_\_

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

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

Individual filing financial information: \_\_\_\_\_

Individuals to be included in the filing: \_\_\_\_\_

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

☐ Schedule A: Entertainment Expenses

☐ Schedule B: Gifts

☐ Schedule C: Other Expenses

(6) EXPENDITURE TOTALS:

a) ENTERTAINMENT \$ \_\_\_\_\_

b) GIFTS \$ \_\_\_\_\_

c) COMMUNICATIONS \$ \_\_\_\_\_

d) PERSONAL LIVING AND TRAVEL EXPENSES \$ \_\_\_\_\_

e) COMPENSATION OF LOBBYISTS \$ \_\_\_\_\_

f) HONORARIA \$ \_\_\_\_\_

g) OTHER \$ \_\_\_\_\_

TOTAL \$ \_\_\_\_\_

##### PART II:

(1a) NAME OF LOBBYIST: \_\_\_\_\_

(1b) Permanent Business Address: \_\_\_\_\_

(1c) Business Telephone: \_\_\_\_\_

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

☐ EMPLOYED (on the payroll of the principal)

☐ RETAINED (not on the payroll of the principal, however compensated)

☐ NOT COMPENSATED (not compensated; expenses may be reimbursed)

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

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

PLEASE NOTE: Some lobbyists are not individually compensated for

541 lobbying activities. This may occur when several members of a firm  
 542 represent a single principal. The principal, in turn, makes a single  
 543 payment to the firm. If this describes your situation, do not answer  
 544 Part II, items 5a and 5b. Instead, complete Part III, items 1 and 2.  
 545 (5a) What was the DOLLAR AMOUNT OF YOUR COMPENSATION as a lobbyist?  
 546 (If you have job responsibilities other than those involving  
 547 lobbying, you may have to prorate to determine the part of your  
 548 salary attributable to your lobbying activities.) Transfer your  
 549 answer to this item to Part I, item 6e\_\_\_\_\_.  
 550 (5b) Explain how you arrived at your answer to Part II, item 5a.

551 \_\_\_\_\_  
 552 \_\_\_\_\_  
 553 \_\_\_\_\_

554 PART III:

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

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

560 \_\_\_\_\_  
 561 \_\_\_\_\_  
 562 \_\_\_\_\_

563 (2) Indicate the total amount paid to your firm, organization,  
 564 association, corporation, or other entity for services rendered.  
 565 Transfer your answer to this item to Part I, item 6e\_\_\_\_\_.

566 SCHEDULE A

567 ENTERTAINMENT EXPENSES

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

572 Date and Location of Event:

573 \_\_\_\_\_  
 574 \_\_\_\_\_

575 Description of Event (*including whether or not it meets the criteria*  
 576 *of a widely attended event*):

577 \_\_\_\_\_  
 578 \_\_\_\_\_

579 Total Number of Persons Attending:

580 .....

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

584 \_\_\_\_\_  
 585 \_\_\_\_\_  
 586 \_\_\_\_\_

587 \_\_\_\_\_

588 Food \$ \_\_\_\_\_

589 Beverages \$ \_\_\_\_\_

590 Transportation of Legislative and Executive Officials

591 or Members of Their Immediate Families \$ \_\_\_\_\_

592 Lodging of Legislative and Executive Officials or

593 Members of Their Immediate Families \$ \_\_\_\_\_

594 Performers, Speakers, Etc. \$ \_\_\_\_\_

595 Displays \$ \_\_\_\_\_

596 Rentals \$ \_\_\_\_\_

597 Service Personnel \$ \_\_\_\_\_  
 598 Miscellaneous \$ \_\_\_\_\_  
 599 TOTAL \$ \_\_\_\_\_

## SCHEDULE B

## GIFTS

602 PLEASE NOTE: Any single gift reported in the expense totals of the  
 603 principal, with a value greater than \$50, should be itemized below.  
 604 (Report meals, entertainment and travel under Schedule A.) Transfer  
 605 any totals from this schedule to Part I, item 6b. (Please duplicate  
 606 as needed.)

		Name of each legislative or executive official or member of his immediate family who is a recipient of a gift:	Cost of individual gift:
607			
608			
609			
610			
611			
612	Date	Description	
613	of gift:	of gift:	
614	_____	_____	\$ _____
615	_____	_____	\$ _____
616	_____	_____	\$ _____
617	_____	_____	\$ _____
618	TOTAL COST TO PRINCIPAL		\$ _____

## SCHEDULE C

## OTHER EXPENSES

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

626	DATE OF EXPENSE	DESCRIPTION OF EXPENSE	AMOUNT
627	_____	_____	\$ _____
628	_____	_____	\$ _____
629	_____	_____	\$ _____
630	_____	_____	\$ _____
631	_____	_____	\$ _____
632	_____	_____	\$ _____
633	_____	_____	\$ _____
634	_____	_____	\$ _____
635	_____	_____	\$ _____
636	TOTAL "OTHER" EXPENSES		\$ _____

## PART IV: STATEMENTS

638 The following items are mandatory and if they are not properly  
 639 completed, the entire filing will be rejected and returned to  
 640 the lobbyist:

- 641 (1) All signatures on the statement must be ORIGINAL in the format  
 642 specified in the instructions provided by the Council that  
 643 accompany this form. No stamps or other reproductions of the  
 644 individual's signature will be accepted.  
 645 (2) An individual MAY NOT sign the disclosure statement as lobbyist  
 646 and principal officer.

## STATEMENT OF LOBBYIST

648 I, the undersigned registered lobbyist, do state that the information  
 649 furnished on this disclosure statement and on all accompanying  
 650 attachments required to be made thereto is, to the best of my  
 651 knowledge and belief, complete and accurate.  
 652

\_\_\_\_\_  
Signature of lobbyist

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

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

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

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

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

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

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

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

employee of a local governmental or advisory agency, a person, organization, or business who is a party to or is seeking to become a party to a contract with the local agency of which he is an officer or an employee; or (d) for an officer or employee of a state governmental or advisory agency, a person, organization, or business who is a party to or is seeking to become a party to a contract with the Commonwealth. For purposes of this definition, "person, organization, or business" includes individuals who are officers, directors, or owners of or who have a controlling ownership interest in such organization or business.

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

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

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

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

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

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

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

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

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

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

### **§ 2.2-3103.1. Certain gifts prohibited.**

A. For purposes of this section:

"Intangible gift" means a thing of temporary value or a thing that upon the happening of a certain event or expiration of a given date loses its value. "Intangible gift" includes entertainment, hospitality, a

ticket, admission, or pass, transportation, lodgings, and meals that are reportable on Schedule E of the disclosure form prescribed in § 2.2-3117.

"Tangible gift" means a thing of value that does not lose its value upon the happening of a certain event or expiration of a given date. "Tangible gift" includes currency, negotiable instruments, securities, stock options, or other financial instruments that are reportable on Schedule E of the disclosure form prescribed in § 2.2-3117. "Tangible gift" does not include payments or reimbursements received for any intangible gift.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

*Any person subject to the provisions of this section may apply to the Council or Attorney General, as provided in § 2.2-3121 or 2.2-3126, for an advisory opinion as to the application of the restriction*



imposed by this section on any post-public employment position or opportunity.

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

A. Neither the Governor, his political action committee, or the Governor's Secretaries, if the Secretary is responsible to the Governor for an executive branch agency with jurisdiction over the matters at issue, shall knowingly solicit or accept a contribution, gift, or other item with a value greater than \$50 from any bidder, offeror, or private entity, or from an officer or director of such bidder, offeror, or private entity, who has submitted a bid or proposal to an executive branch agency that is directly responsible to the Governor pursuant to the Virginia Public Procurement Act (§ 2.2-4300 et seq.), the Public-Private Transportation Act of 1995 (§ 33.2-1800 et seq.), or the Public-Private Education Facilities and Infrastructure Act of 2002 (§ 56-575.1 et seq.) (i) during the period between the submission of the bid and the award of the public contract under the Virginia Public Procurement Act or (ii) following the submission of a proposal under the Public-Private Transportation Act of 1995 or the Public-Private Education Facilities and Infrastructure Act of 2002 until the execution of a comprehensive agreement thereunder.

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

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

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

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

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

B. No officer or employee of any governmental agency of state government or Eastern Virginia Medical School shall have a personal interest in a contract with any other governmental agency of state government unless such contract is (i) awarded as a result of competitive sealed bidding or competitive 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 administrative head of the governmental agency that competitive bidding or negotiation is contrary to the best interest of the public.

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

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

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

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

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

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

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

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

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

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

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

January 31 of each year of evidence of their compliance with such federal policies and regulations.

E. The board of visitors may delegate the authority granted under subdivision C 8 to the president of the institution. If the board elects to delegate such authority, the board shall include this delegation of authority in the formal policy required by clause (iii) of subdivision C 8. In those instances where the board has delegated such authority, on or before December 1 of each year, the president of the relevant institution shall file a report with the relevant board of visitors disclosing each open contract entered into subject to this provision, the names of the parties to each contract, the date each contract was executed and its term, the subject of each contractual arrangement, the nature of the conflict of interest, the institution's or the Eastern Virginia Medical School's employee responsible for administering each contract, the details of the institution's or the Eastern Virginia Medical School's commitment or investment of resources or finances for each contract, the details of how revenues are to be dispersed, and any other information requested by the board of visitors.

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

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

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

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

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

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

F. An officer or employee of state government who is required to declare his interest pursuant to subdivision A 2 of § 2.2-3112, shall declare his interest by stating (i) the transaction involved, (ii) the nature of the officer's or employee's personal interest affected by the transaction, (iii) that he is a member of a business, profession, occupation, or group the members of which are affected by the transaction, and (iv) that he is able to participate in the transaction fairly, objectively, and in the public interest. The officer or employee shall either make his declaration orally to be recorded in written minutes for his agency or file a signed written declaration with the clerk or administrative head of his

governmental or advisory agency, as appropriate, who shall, in either case, retain and make available for public inspection such declaration for a period of five years from the date of recording or receipt. If reasonable time is not available to comply with the provisions of this subsection prior to participation in the transaction, the officer or employee shall prepare and file the required declaration by the end of the next business day.

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

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

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

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

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

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

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

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

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

B. Nonsalaried citizen members of local boards, commissions and councils as may be designated by the governing body shall file ~~with the Virginia Conflict of Interest and Ethics Advisory Council~~, as a condition to assuming office, a disclosure form of their personal interests and such other information as

is specified on the form set forth in § 2.2-3118 and thereafter shall file such form annually on or before December 15.

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

D. The disclosure forms required by subsections A and B shall be ~~provided~~ *made available* by the Virginia Conflict of Interest and Ethics Advisory Council ~~to the clerks of the governing bodies and school boards~~ at least 30 days prior to the filing deadline, and the clerks of the governing body and school board shall distribute the forms to designated individuals at least 20 days prior to the filing deadline. Forms shall be filed and maintained as public records for five years in the office of the ~~Virginia Conflict of Interest and Ethics Advisory Council~~ *clerk of the respective governing body or school board*. Forms filed by members of governing bodies of authorities shall be filed and maintained as public records for five years in the office of the ~~Virginia Conflict of Interest and Ethics Advisory Council~~ *clerk of the governing body of the county or city*. *Such forms shall be made public no later than six weeks after filing.*

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

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

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

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

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

the end of the next business day.

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

For the purposes of this chapter, holders of the constitutional offices of treasurer, sheriff, attorney for the Commonwealth, clerk of the circuit court, and commissioner of the revenue of each county and city, shall be deemed to be local officers and shall be required to file *with the Council, as a condition to assuming office*, the Statement of Economic Interests set forth in § 2.2-3117. These officers shall file statements pursuant to § 2.2-3115 and candidates semiannually by December 15 for the preceding six-month period complete through the last day of October and by June 15 for the preceding six-month period complete through the last day of April. Candidates shall file statements as required by § 24.2-502. Statements shall be filed electronically with the Council in accordance with the standards approved by it pursuant to § 30-356. These officers shall be subject to the prohibition on certain gifts set forth in subsection B of § 2.2-3103.1.

**§ 2.2-3117. Disclosure form.**

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

STATEMENT OF ECONOMIC INTERESTS.

Name .....

Office or position held or sought .....

Address .....

Names of members of immediate family .....

**DEFINITIONS AND EXPLANATORY MATERIAL.**

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

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

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

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

to which such person has been appointed or elected or is a member by virtue of his office or employment; or (xiv) gifts from relatives or personal friends. "Relative" means the donee's spouse, child, uncle, aunt, niece, ~~or~~ nephew, or first cousin; a person to whom the donee is engaged to be married; the donee's or his spouse's parent, grandparent, grandchild, brother, ~~or~~ sister, step-parent, step-grandparent, step-grandchild, step-brother, or step-sister; or the donee's brother's or sister's spouse. "Personal friend" does not include any person that the filer knows or has reason to know is (a) a lobbyist registered pursuant to Article 3 (§ 2.2-418 et seq.) of Chapter 4 of Title 2.2; (b) a lobbyist's principal as defined in § 2.2-419; (c) for an officer or employee of a local governmental or advisory agency, a person, organization, or business who is a party to or is seeking to become a party to a contract with the local agency of which he is an officer or an employee; or (d) for an officer or employee of a state governmental or advisory agency, a person, organization, or business who is a party to or is seeking to become a party to a contract with the Commonwealth. "Person, organization, or business" includes individuals who are officers, directors, or owners of or who have a controlling ownership interest in such organization or business.

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

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

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

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

You may attach additional explanatory information.

1. Offices and Directorships.

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

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

2. Personal Liabilities.

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

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

3. Securities.

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

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

4. Payments for Talks, Meetings, and Publications.

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

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

5. Gifts.

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

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

6. Salary and Wages.

List each employer that pays you or a member of your immediate family salary or wages in excess

1384 of \$5,000 annually. (Exclude state or local government or advisory agencies.)  
 1385 If no reportable salary or wages, check here // .

1386 \_\_\_\_\_  
 1387 \_\_\_\_\_  
 1388 \_\_\_\_\_

1389 7. Business Interests.

1390 Do you or a member of your immediate family, separately or together, operate your own business, or  
 1391 own or control an interest in excess of \$5,000 in a business?

1392 EITHER check NO // OR check YES // and complete Schedule F.

1393 8. Payments for Representation and Other Services.

1394 8A. Did you represent, excluding activity defined as lobbying in § 2.2-419, any businesses before any  
 1395 state governmental agencies, excluding courts or judges, for which you received total compensation  
 1396 during the past six months in excess of \$1,000, excluding compensation for other services to such  
 1397 businesses and representation consisting solely of the filing of mandatory papers and subsequent  
 1398 representation regarding the mandatory papers? (Officers and employees of local governmental and  
 1399 advisory agencies do NOT need to answer this question or complete Schedule G-1.)

1400 EITHER check NO // OR check YES // and complete Schedule G-1.

1401 8B. Subject to the same exceptions as in 8A, did persons with whom you have a close financial  
 1402 association (partners, associates or others) represent, excluding activity defined as lobbying in § 2.2-419,  
 1403 any businesses before any state governmental agency for which total compensation was received during  
 1404 the past six months in excess of \$1,000? (Officers and employees of local governmental and advisory  
 1405 agencies do NOT need to answer this question or complete Schedule G-2.)

1406 EITHER check NO // OR check YES // and complete Schedule G-2.

1407 8C. Did you or persons with whom you have a close financial association furnish services to  
 1408 businesses operating in Virginia pursuant to an agreement between you and such businesses, or between  
 1409 persons with whom you have a close financial association and such businesses for which total  
 1410 compensation in excess of \$1,000 was received during the past six months? Services reported under this  
 1411 provision shall not include services involving the representation of businesses that are reported under  
 1412 item 8A or 8B.

1413 EITHER check NO // OR check YES // and complete Schedule G-3.

1414 9. Real Estate.

1415 9A. State Officers and Employees.

1416 Do you or a member of your immediate family hold an interest, including a partnership interest,  
 1417 valued at more than \$5,000 in real property (other than your principal residence) for which you have not  
 1418 already listed the full address on Schedule F? Account for real estate held in trust.

1419 EITHER check NO // OR check YES // and complete Schedule H-1.

1420 9B. Local Officers and Employees.

1421 Do you or a member of your immediate family hold an interest, including a partnership interest, or  
 1422 option, easement, or land contract, valued at more than \$5,000 in real property (other than your principal  
 1423 residence) for which you have not already listed the full address on Schedule F? Account for real estate  
 1424 held in trust.

1425 EITHER check NO // OR check YES // and complete Schedule H-2.

1426 10. Real Estate Contracts with Governmental Agencies.

1427 Do you or a member of your immediate family hold an interest valued at more than \$5,000 in real  
 1428 estate, including a corporate, partnership, or trust interest, option, easement, or land contract, which real  
 1429 estate is the subject of a contract, whether pending or completed within the past six months, with a  
 1430 governmental agency? If the real estate contract provides for the leasing of the property to a  
 1431 governmental agency, do you or a member of your immediate family hold an interest in the real estate  
 1432 valued at more than \$1,000? Account for all such contracts whether or not your interest is reported in  
 1433 Schedule F, H-1, or H-2. This requirement to disclose an interest in a lease does not apply to an interest  
 1434 derived through an ownership interest in a business unless the ownership interest exceeds three percent  
 1435 of the total equity of the business.

1436 EITHER check NO // OR check YES // and complete Schedule I.

1437 Statements of Economic Interests are open for public inspection.

1438 AFFIRMATION BY ALL FILERS.

1439 I swear or affirm that the foregoing information is full, true and correct to the best of my knowledge.

1440 Signature .....

1441 (Return only if needed to complete Statement.)

1442 SCHEDULES

1443 to

1444 STATEMENT OF ECONOMIC INTERESTS .



1445 NAME .....

## 1446 SCHEDULE A - OFFICES AND DIRECTORSHIPS.

1447 Identify each business of which you or a member of your immediate family is a paid officer or paid  
1448 director.

1449			
1450			
1451	Name of Business	Address of Business	Position Held and by Whom
1452			
1453			
1454			
1455			
1456			

RETURN TO ITEM 2

## 1457 SCHEDULE B - PERSONAL LIABILITIES.

1458 Report personal liability by checking each category. Report only debts in excess of \$5,000. Do not  
1459 report debts to any government. Do not report loans secured by recorded liens on property at least equal  
1460 in value to the loan.

1461 Report contingent liabilities below and indicate which debts are contingent.

1462 1. My personal debts are as follows:

1463			
1464			
1465			
1466	Check	Check one	
1467	appropriate	\$5,001 to	More than
1468	categories	\$50,000	\$50,000
1469	Banks		
1470	Savings institutions		
1471	Other loan or finance companies		
1472	Insurance companies		
1473	Stock, commodity or other brokerage companies		
1474	Other businesses:		
1475	(State principal business activity for each		
1476	creditor and its name.)		
1477			
1478			
1479			
1480	Individual creditors:		
1481	(State principal business or occupation of		
1482	each creditor and its name.)		
1483			
1484			
1485			

1486  
1487 2. The personal debts of the members of my immediate family are as follows:

1488			
1489			
1490	Check	Check one	
1491	appropriate	\$5,001 to	More than
1492	categories	\$50,000	\$50,000
1493	Banks		
1494	Savings institutions		
1495	Other loan or finance companies		
1496	Insurance companies		
1497	Stock, commodity or other brokerage companies		
1498	Other businesses:		
1499	(State principal business activity for each		
1500	creditor and its name.)		
1501			

1502	_____	_____	_____
1503	_____	_____	_____
1504	Individual creditors:		
1505	(State principal business or occupation of		
1506	each creditor and its name.)		
1507	_____	_____	_____
1508	_____	_____	_____
1509	_____	_____	_____
1510	_____		

RETURN TO ITEM 3

## SCHEDULE C - SECURITIES.

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

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

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

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

If no reportable securities, check here / /.

1525	_____			
1526	_____			
1527			Check one	
1528	Type of Security	\$5,001	\$50,001	More
1529	(stocks, bonds, mutual	to	to	than
1530	Name of Issuer	\$50,000	\$250,000	\$250,000
1531	_____	_____	_____	_____
1532	_____	_____	_____	_____
1533	_____	_____	_____	_____
1534	_____	_____	_____	_____
1535	_____			

RETURN TO ITEM 4

## SCHEDULE D - PAYMENTS FOR TALKS, MEETINGS, AND PUBLICATIONS.

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

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

List a payment even if you donated it to charity.

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

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

1553	_____		
1554	_____		
1555			Type of payment
1556			(e.g. honoraria,
1557			travel reimburse-
1558	Payer	Approximate Value	Circumstances
1559	_____	_____	_____
1560	_____	_____	_____

RETURN TO ITEM 5

**SCHEDULE E - GIFTS.**

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

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

RETURN TO ITEM 6

**SCHEDULE F - BUSINESS INTERESTS.**

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

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

Name of Business, Corporation, Partnership, Farm; Address of Rental Property	City or County and State	Nature of Enterprise (farming, law, rental property, etc.)	\$50,001 or less	\$50,000 to \$250,000	More than \$250,000

RETURN TO ITEM 8

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

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

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

Only STATE officers and employees should complete this Schedule.

Name of Busi- ness	Type of Busi- ness	of Repre- senta- tion	Name of Agen- cy	\$1,001 to \$10,000	\$10,001 to \$50,000	\$50,001 to \$100,000	\$100,001 to \$250,000	\$250,001 and over

Amount Received:\_\_\_\_\_.

Only STATE officers and employees should complete this Schedule.

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Identify opposite each category of businesses listed below (i) the type of business, (ii) the type of service rendered and (iii) the value by dollar category of the compensation received for all businesses falling within each category.

	Check if ser- vices were ren- dered	Type of ser- vice ren- dered	\$1,001 to \$10,000	\$10,001 to \$50,000	\$50,001 to \$100,000	\$100,001 to \$250,000	\$250,001 and over
Electric utilities							
Gas utilities							
Telephone utilities							
Water utilities							
Cable television							

1678	companies	_____	_____	_____	_____	_____	_____	_____
1679	Interstate							
1680	transportation							
1681	companies	_____	_____	_____	_____	_____	_____	_____
1682	Intrastate							
1683	transportation							
1684	companies	_____	_____	_____	_____	_____	_____	_____
1685	Oil or gas retail							
1686	companies	_____	_____	_____	_____	_____	_____	_____
1687	Banks	_____	_____	_____	_____	_____	_____	_____
1688	Savings institutions	_____	_____	_____	_____	_____	_____	_____
1689	Loan or finance							
1690	companies	_____	_____	_____	_____	_____	_____	_____
1691	Manufacturing							
1692	companies (state							
1693	type of product,							
1694	e.g., textile,							
1695	furniture, etc.)	_____	_____	_____	_____	_____	_____	_____
1696	Mining companies	_____	_____	_____	_____	_____	_____	_____
1697	Life insurance							
1698	companies	_____	_____	_____	_____	_____	_____	_____
1699	Casualty insurance							
1700	companies	_____	_____	_____	_____	_____	_____	_____
1701	Other insurance							
1702	companies	_____	_____	_____	_____	_____	_____	_____
1703	Retail companies	_____	_____	_____	_____	_____	_____	_____
1704	Beer, wine or liquor							
1705	companies or							
1706	distributors	_____	_____	_____	_____	_____	_____	_____
1707	Trade associations	_____	_____	_____	_____	_____	_____	_____
1708	Professional							
1709	associations	_____	_____	_____	_____	_____	_____	_____
1710	Associations of							
1711	public employees							
1712	or officials	_____	_____	_____	_____	_____	_____	_____
1713	Counties, cities							
1714	or towns	_____	_____	_____	_____	_____	_____	_____
1715	Labor organizations	_____	_____	_____	_____	_____	_____	_____
1716	Other	_____	_____	_____	_____	_____	_____	_____

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.

1723	_____		
1724	_____		
1725	Describe the type of real		
1726	List each location	estate you own in each	If the real estate is
1727	(state, and county	location (business, recre-	owned or recorded in
1728	or city) where you	ational, apartment, com-	a name other than your
1729	own real estate.	mercial, open land, etc.).	own, list that name.
1730	_____	_____	_____
1731	_____	_____	_____
1732	_____	_____	_____
1733	_____	_____	_____
1734	_____	_____	_____

---

**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.

---

	Describe the type of real estate you own in each location	If the real estate is owned or rec- orded in a name other than your own, list that name.	List the names of any co-owners, if applicable.
List each location (business, (state, and county recreational, or city) where apartment, com- you own real mercial, open estate. land, etc.).			

_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

---

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

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

State officers and employees report contracts with state agencies.

Local officers and employees report contracts with local agencies.

---

List your real estate  
interest and the  
person or entity,  
including the type  
of entity, which  
is party to  
the contract.

Describe any  
management role and  
the percentage  
ownership  
interest you or your  
immediate family  
member has in the real  
estate 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.

_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

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

#### DEFINITIONS AND EXPLANATORY MATERIAL.

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

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

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

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

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

Name .....

Office or position held or to be held

.....

Address .....

#### I. FINANCIAL INTERESTS

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

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

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

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

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

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

A. My personal interests are:

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

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

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

B. The personal interests of my immediate family are:

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

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

#### II. OFFICES, DIRECTORSHIPS AND SALARIED EMPLOYMENTS

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

(You need not state any dollar amounts.)

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

1854		
1855		
1856	Position held	Name of business
1857		
1858		
1859		

1860  
1861 B. The paid offices, paid directorships and salaried employments of members of my immediate  
1862 family are:

1863		
1864		
1865	Position held	Name of business
1866		
1867		
1868		

### 1869 III. BUSINESSES TO WHICH SERVICES WERE FURNISHED

1870  
1871 A. The businesses I have represented, excluding activity defined as lobbying in § 2.2-419, before any  
1872 state governmental agency, excluding any court or judge, for which I have received total compensation  
1873 in excess of \$1,000 during the preceding year, excluding compensation for other services to such  
1874 businesses and representation consisting solely of the filing of mandatory papers, are as follows:

1875 Identify businesses by name and name the state governmental agencies before which you appeared on  
1876 behalf of such businesses.

1877		
1878		
1879	Name of business	Name of governmental agency
1880		
1881		
1882		

1883  
1884 B. The businesses that, to my knowledge, have been represented, excluding activity defined as  
1885 lobbying in § 2.2-419, before any state governmental agency, excluding any court or judge, by persons  
1886 with whom I have a close financial association and who received total compensation in excess of \$1,000  
1887 during the preceding year, excluding compensation for other services to such businesses and  
1888 representation consisting solely of the filing of mandatory papers, are as follows:

1889 Identify businesses by type and name the state governmental agencies before which such person  
1890 appeared on behalf of such businesses.

1891		
1892		
1893	Type of business	Name of state governmental agency
1894		
1895		
1896		

1897  
1898 C. All other businesses listed below that operate in Virginia to which services were furnished  
1899 pursuant to an agreement between you and such businesses and for which total compensation in excess  
1900 of \$1,000 was received during the preceding year:

1901 Check each category of business to which services were furnished.

1902	
1903	
1904	Electric utilities
1905	Gas utilities
1906	Telephone utilities
1907	Water utilities
1908	Cable television companies
1909	Intrastate transportation companies
1910	Interstate transportation companies
1911	Oil or gas retail companies



1912 Banks \_\_\_\_\_  
 1913 Savings institutions \_\_\_\_\_  
 1914 Loan or finance companies \_\_\_\_\_  
 1915 Manufacturing companies (state type  
 1916 of product, e.g., textile, furniture,  
 1917 etc.) \_\_\_\_\_  
 1918 Mining companies \_\_\_\_\_  
 1919 Life insurance companies \_\_\_\_\_  
 1920 Casualty insurance companies \_\_\_\_\_  
 1921 Other insurance companies \_\_\_\_\_  
 1922 Retail companies \_\_\_\_\_  
 1923 Beer, wine or liquor companies or  
 1924 distributors \_\_\_\_\_  
 1925 Trade associations \_\_\_\_\_  
 1926 Professional associations \_\_\_\_\_  
 1927 Associations of public employees or  
 1928 officials \_\_\_\_\_  
 1929 Counties, cities or towns \_\_\_\_\_  
 1930 Labor organizations \_\_\_\_\_  
 1931 \_\_\_\_\_

#### 1932 IV. COMPENSATION FOR EXPENSES

1933 The persons, associations, or other sources other than my governmental agency from which I or a  
 1934 member of my immediate family received remuneration in excess of \$200 \$100 during the preceding  
 1935 year, in cash or otherwise, as honorariums or payment of expenses in connection with my attendance at  
 1936 any meeting or other function to which I was invited in my official capacity are as follows:

1937	1938	1939	1940	1941	1942	1943	1944
Name of Source	Description of occasion	Amount of remuneration for each occasion					
_____	_____	_____					
_____	_____	_____					
_____	_____	_____					

1945 B. The provisions of Part III A and B of the disclosure form prescribed by this section shall not be  
 1946 applicable to officers and employees of local governmental and local advisory agencies.

1947 C. Except for real estate located within the county, city or town in which the officer or employee  
 1948 serves or a county, city or town contiguous to the county, city or town in which the officer or employee  
 1949 serves, officers and employees of local governmental or advisory agencies shall not be required to  
 1950 disclose under Part I of the form any other interests in real estate.

#### 1951 § 2.2-3121. Advisory opinions.

1952 A. A state officer or employee shall not be prosecuted for a knowing violation of this chapter if the  
 1953 alleged violation resulted from his good faith reliance on a written opinion of the Attorney General or  
 1954 the Virginia Conflict of Interest and Ethics Advisory Council made in response to his written request for  
 1955 such opinion and the opinion was made after a full disclosure of the facts *regardless of whether such*  
 1956 *opinion is later withdrawn provided the alleged violation occurred prior to the withdrawal of the*  
 1957 *opinion.*

1958 B. A local officer or employee shall not be prosecuted for a knowing violation of this chapter if the  
 1959 alleged violation resulted from his good faith reliance on a written opinion of the attorney for the  
 1960 Commonwealth, *his county, city, or town attorney*, or the Council made in response to his written  
 1961 request for such opinion and the opinion was made after a full disclosure of the facts *regardless of*  
 1962 *whether such opinion is later withdrawn provided the alleged violation occurred prior to the withdrawal*  
 1963 *of the opinion.* The written opinion shall be a public record and shall be released upon request.

1964 C. If any officer or employee serving at the local level of government is charged with a knowing  
 1965 violation of this chapter, and the alleged violation resulted from his reliance upon a written opinion of  
 1966 his city, county or town attorney, made after a full disclosure of the facts, that such action was not in  
 1967 violation of this chapter, then the officer or employee shall have the right to introduce a copy of the  
 1968 opinion at his trial as evidence that he did not knowingly violate this chapter.

#### 1969 § 2.2-3124. Civil penalty from violation of this chapter.

1970 A. In addition to any other fine or penalty provided by law, an officer or employee who knowingly

violates any provision of §§ 2.2-3103 through 2.2-3112 shall be subject to a civil penalty in an amount equal to the amount of money or thing of value received as a result of such violation. If the thing of value received by the officer or employee in violation of §§ 2.2-3103 through 2.2-3112 increases in value between the time of the violation and the time of discovery of the violation, the greater value shall determine the amount of the civil penalty. Further, all money or other things of value received as a result of such violation shall be forfeited in accordance with the provisions of § 19.2-386.33.

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

### **§ 30-101. 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.

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

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

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

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

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

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

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

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

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

"Legislator" means a member of the General Assembly.

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

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

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

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

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

A. For purposes of this section:

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

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

2093 prescribed in § 30-111. "Tangible gift" does not include payments or reimbursements received for any  
 2094 intangible gift.

2095 *"Widely attended event" means an event at which at least 25 persons have been invited to attend or*  
 2096 *there is a reasonable expectation that at least 25 persons will attend the event and the event is open to*  
 2097 *individuals (i) who share a common interest, (ii) who are members of a public, civic, charitable, or*  
 2098 *professional organization, (iii) who are from a particular industry or profession, or (iv) who represent*  
 2099 *persons interested in a particular issue.*

2100 B. A No legislator or candidate for the General Assembly required to file the disclosure form  
 2101 prescribed in § 30-111 (i) shall not solicit, accept, or receive within any calendar year any single  
 2102 tangible gift with a value in excess of \$250 or a combination of tangible gifts with an aggregate value  
 2103 in excess of \$250 from any person that he knows or has reason to know is (a) a lobbyist registered  
 2104 pursuant to Article 3 (§ 2.2-418 et seq.) of Chapter 4 of Title 2.2; (b) a lobbyist's principal as defined in  
 2105 § 2.2-419; or (c) a person, organization, or business who is a party to or is seeking to become a party to  
 2106 a contract with the Commonwealth; (ii) shall report any tangible gift with a value of \$250 or less or any  
 2107 intangible gift received from any person listed in clause (i) on Schedule E of such disclosure form; and  
 2108 (iii) shall report any payments for talks, meetings, and publications on Schedule D-1 of such disclosure  
 2109 form. For purposes of this subsection, "person, organization, or business" includes individuals who are  
 2110 officers, directors, or owners of or who have a controlling ownership interest in such organization or  
 2111 business or a member of his immediate family shall solicit, accept, or receive any single gift for himself  
 2112 or a member of his immediate family with a value in excess of \$100 or any combination of gifts with an  
 2113 aggregate value in excess of \$100 within any calendar year for himself or a member of his immediate  
 2114 family from any person that he or a member of his immediate family knows or has reason to know is (i)  
 2115 a lobbyist registered pursuant to Article 3 (§ 2.2-418 et seq.) of Chapter 4 of Title 2.2 or (ii) a lobbyist's  
 2116 principal as defined in § 2.2-419. Gifts with a value of less than \$20 are not subject to aggregation for  
 2117 purposes of this prohibition.

2118 C. Notwithstanding the provisions of subsection B, a legislator or candidate or a member of his  
 2119 immediate family may accept or receive a gift of food and beverages, entertainment, or the cost of  
 2120 admission with a value in excess in \$100 when such gift is accepted or received while in attendance at  
 2121 a widely attended event and is associated with the event. Such gifts shall be reported on the disclosure  
 2122 form prescribed in § 30-111.

2123 D. Notwithstanding the provisions of subsection B, a legislator or a member of his immediate family  
 2124 may accept or receive a gift from a foreign dignitary with a value exceeding \$100 for which the fair  
 2125 market value or a gift of greater or equal value has not been provided or exchanged. Such gift shall be  
 2126 accepted on behalf of the Commonwealth and archived in accordance with guidelines established by the  
 2127 Library of Virginia. Such gift shall be disclosed as having been accepted on behalf of the  
 2128 Commonwealth, but the value of such gift shall not be required to be disclosed.

2129 E. Notwithstanding the provisions of subsection B, a legislator or candidate or a member of his  
 2130 immediate family may accept or receive certain gifts with a value in excess of \$100 from a person listed  
 2131 in subsection B if such gift was provided to the legislator or candidate or a member of his immediate  
 2132 family on the basis of a personal friendship. Notwithstanding any other provision of law, a person listed  
 2133 in subsection B may be a personal friend of the legislator or candidate or his immediate family for  
 2134 purposes of this subsection. In determining whether a person listed in subsection B is a personal friend,  
 2135 the following factors shall be considered: (i) the circumstances under which the gift was offered; (ii) the  
 2136 history of the relationship between the person and the donor, including the nature and length of the  
 2137 friendship and any previous exchange of gifts between them; (iii) to the extent known to the person,  
 2138 whether the donor personally paid for the gift or sought a tax deduction or business reimbursement for  
 2139 the gift; and (iv) whether the donor has given the same or similar gifts to other persons required to file  
 2140 the disclosure form prescribed in § 2.2-3117 or 30-111.

2141 F. Notwithstanding the provisions of subsection B, a legislator or candidate or a member of his  
 2142 immediate family may accept or receive gifts of travel, including travel-related transportation, lodging,  
 2143 hospitality, food or beverages, or other thing of value, with a value in excess of \$100 that is paid for or  
 2144 provided by a person listed in subsection B when the legislator or candidate has submitted a request for  
 2145 approval of such travel to the Council and has received the approval of the Council pursuant to  
 2146 § 30-356.1. Such gifts shall be reported on the disclosure form prescribed in § 30-111.

2147 G. The \$250 \$100 limitation imposed in accordance with this section shall be adjusted by the  
 2148 Council every five years, as of January 1 of that year, in an amount equal to the annual increases for  
 2149 that five-year period in the United States Average Consumer Price Index for all items, all urban  
 2150 consumers (CPI-U), as published by the Bureau of Labor Statistics of the U.S. Department of Labor,  
 2151 rounded to the nearest whole dollar.

## 2152 § 30-103.2. Return of gifts.

2153 No person shall be in violation of any provision of this chapter prohibiting the acceptance of a gift if

the gift is not used by such person and the gift or its equivalent in money is returned to the donor or delivered to a charitable organization within a reasonable period of time upon the discovery of the value of the gift and is not claimed as a charitable contribution for federal income tax purposes or (ii) consideration is given by the donee to the donor for the value of the gift within a reasonable period of time upon the discovery of the value of the gift provided that such consideration reduces the value of the gift to an amount not in excess of \$100 as provided in subsection B of § 30-103.1.

**§ 30-110. Disclosure.**

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

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

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

**§ 30-111. Disclosure form.**

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

STATEMENT OF ECONOMIC INTERESTS.

Name .....  
Office or position held or sought .....  
Address .....  
Names of members of immediate family .....

**DEFINITIONS AND EXPLANATORY MATERIAL.**

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

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

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

"Gift" means any gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item having monetary value. It includes services as well as gifts of transportation, lodgings and meals, whether provided in-kind, by purchase of a ticket, payment in advance or reimbursement after the expense has been incurred. "Gift" does not include (i) any offer of a ticket, coupon, or other admission or pass unless the ticket, coupon, admission, or pass is used; (ii) honorary degrees; (iii) any athletic, merit, or need-based scholarship or any other financial aid awarded by a public or private school, institution of higher education, or other educational program pursuant to such school, institution, or program's financial aid standards and procedures applicable to the general public; (iv) a campaign contribution properly received and reported pursuant to Chapter 9.3 (§ 24.2-945 et seq.) of Title 24.2; (v) any gift related to the private profession or occupation of a legislator or of a member of his immediate family; ~~or~~ (vi) food or beverages consumed while attending an event at which the filer is performing official duties related to his public service; (vii) food and beverages received at or

2215 registration or attendance fees waived for any event at which the filer is a featured speaker, presenter,  
 2216 or lecturer; (viii) unsolicited awards of appreciation or recognition in the form of a plaque, trophy, wall  
 2217 memento, or similar item that is given in recognition of public, civic, charitable, or professional service;  
 2218 (ix) a devise or inheritance; (x) travel disclosed pursuant to the Campaign Finance Disclosure Act  
 2219 (§ 24.2-945 et seq.); (xi) travel paid for or provided by the government of the United States, any of its  
 2220 territories, or any state or any political subdivision of such state; (xii) travel provided to facilitate  
 2221 attendance by a legislator at a regular or special session of the General Assembly, a meeting of a  
 2222 legislative committee or commission, or a national conference where attendance is approved by the  
 2223 House or Senate Committee on Rules; (xiii) travel related to an official meeting of the Commonwealth,  
 2224 its political subdivisions, or any board, commission, authority, or other entity, or any charitable  
 2225 organization established pursuant to § 501(c)(3) of the Internal Revenue Code affiliated with such entity,  
 2226 to which such person has been appointed or elected or is a member by virtue of his office or  
 2227 employment; or (xiv) gifts from relatives or personal friends. "Relative" means the donee's spouse, child,  
 2228 uncle, aunt, niece, ~~or~~ nephew, or first cousin; a person to whom the donee is engaged to be married; the  
 2229 donee's or his spouse's parent, grandparent, grandchild, brother, ~~or~~ sister, step-parent, step-grandparent,  
 2230 step-grandchild, step-brother, or step-sister; or the donee's brother's or sister's spouse. "Personal friend"  
 2231 does not include any person that the filer knows or has reason to know is (a) a lobbyist registered  
 2232 pursuant to Article 3 (§ 2.2-418 et seq.) of Chapter 4 of Title 2.2; or (b) a lobbyist's principal as defined  
 2233 in § 2.2-419; ~~or (c) a person, organization, or business who is a party to or is seeking to become a party~~  
 2234 ~~to a contract with the Commonwealth. "Person, organization, or business" includes individuals who are~~  
 2235 ~~officers, directors, or owners of or who have a controlling ownership interest in such organization or~~  
 2236 ~~business.~~

2237 "Immediate family" means (i) a spouse and (ii) any ~~child~~ other person who resides in the same  
 2238 household as the legislator and who is a dependent of the legislator.

2239 "Lobbyist relationship" means (i) an engagement, agreement, or representation that relates to legal  
 2240 services, consulting services, or public relations services, whether gratuitous or for compensation,  
 2241 between a member or member-elect and any person who is, or has been within the prior calendar year,  
 2242 registered as a lobbyist with the Secretary of the Commonwealth or (ii) a greater than three percent  
 2243 ownership interest by a member or member-elect in a business that employs, or engages as an  
 2244 independent contractor, any person who is, or has been within the prior calendar year, registered as a  
 2245 lobbyist with the Secretary of the Commonwealth. The disclosure of a lobbyist relationship shall not (a)  
 2246 constitute a waiver of any attorney-client or other privilege, (b) require a waiver of any attorney-client  
 2247 or other privilege for a third party, or (c) be required where a member or member-elect is employed or  
 2248 engaged by a person and such person also employs or engages a person in a lobbyist relationship so  
 2249 long as the member or member-elect has no financial interest in the lobbyist relationship.

2250 TRUST. If you or your immediate family, separately or together, are the only beneficiaries of a trust,  
 2251 treat the trust's assets as if you own them directly. If you or your immediate family has a proportional  
 2252 interest in a trust, treat that proportion of the trust's assets as if you own them directly. For example, if  
 2253 you and your immediate family have a one-third interest in a trust, complete your Statement as if you  
 2254 own one-third of each of the trust's assets. If you or a member of your immediate family created a trust  
 2255 and can revoke it without the beneficiaries' consent, treat its assets as if you own them directly.

2256 REPORT TO THE BEST OF INFORMATION AND BELIEF. Information required on this  
 2257 Statement must be provided on the basis of the best knowledge, information, and belief of the individual  
 2258 filing the Statement as of the date of this report unless otherwise stated.

2259 COMPLETE ITEMS 1 THROUGH 11. REFER TO SCHEDULES ONLY IF DIRECTED.

2260 You may attach additional explanatory information.

2261 1. Offices and Directorships.

2262 Are you or a member of your immediate family a paid officer or paid director of a business?

2263 EITHER check NO // OR check YES // and complete Schedule A.

2264 2. Personal Liabilities.

2265 Do you or a member of your immediate family owe more than \$5,000 to any one creditor including  
 2266 contingent liabilities? (Exclude debts to any government and loans secured by recorded liens on property  
 2267 at least equal in value to the loan.)

2268 EITHER check NO // OR check YES // and complete Schedule B.

2269 3. Securities.

2270 Do you or a member of your immediate family, directly or indirectly, separately or together, own  
 2271 securities valued in excess of \$5,000 invested in one business? Account for mutual funds, limited  
 2272 partnerships and trusts.

2273 EITHER check NO // OR check YES // and complete Schedule C.

2274 4. Payments for Talks, Meetings, and Publications.

2275 During the past six months did you receive in your capacity as a legislator lodging, transportation,

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

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

#### 5. Gifts.

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

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

#### 6. Salary and Wages.

List each employer that pays you or a member of your immediate family salary or wages in excess of \$5,000 annually. (Exclude any salary received as a member of the General Assembly pursuant to § 30-19.11.)

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

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#### 7. Business Interests and Lobbyist Relationships.

7A. Do you or a member of your immediate family, separately or together, operate your own business, or own or control an interest in excess of \$5,000 in a business?

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

7B. Do you have a lobbyist relationship as that term is defined above?

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

#### 8. Payments for Representation and Other Services.

8A. Did you represent any businesses before any state governmental agencies, excluding courts or judges, for which you received total compensation during the past six months in excess of \$1,000, excluding compensation for other services to such businesses and representation consisting solely of the filing of mandatory papers and subsequent representation regarding the mandatory papers?

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

8B. Subject to the same exceptions as in 8A, did persons with whom you have a close financial association (partners, associates or others) represent any businesses before any state governmental agency for which total compensation was received during the past six months in excess of \$1,000?

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

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

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

#### 9. Real Estate.

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

EITHER check NO // OR check YES // and complete Schedule H.

#### 10. Real Estate Contracts with State Governmental Agencies.

Do you or a member of your immediate family hold an interest valued at more than \$5,000 in real estate, including a corporate, partnership, or trust interest, option, easement, or land contract, which real estate is the subject of a contract, whether pending or completed within the past six months, with a state governmental agency?

If the real estate contract provides for the leasing of the property to a state governmental agency, do

2337 you or a member of your immediate family hold an interest in the real estate, including a corporate,  
 2338 partnership, or trust interest, option, easement, or land contract valued at more than \$1,000? Account for  
 2339 all such contracts whether or not your interest is reported in Schedule F or H. This requirement to  
 2340 disclose an interest in a lease does not apply to an interest derived through an ownership interest in a  
 2341 business unless the ownership interest exceeds three percent of the total equity of the business.

2342 EITHER check NO // OR check YES // and complete Schedule I.

2343 11. Payments by the Commonwealth for Meetings.

2344 During the past six months did you receive lodging, transportation, money, or anything else of value  
 2345 with a combined value exceeding \$200 \$100 from the Commonwealth for a single meeting attended  
 2346 out-of-state in your capacity as a legislator? Do not include reimbursements from the Commonwealth for  
 2347 meetings attended in the Commonwealth.

2348 EITHER check NO // OR check YES // and complete Schedule D-2.

2349 For Statements filed in ~~January~~ June 2016 and each two years thereafter, complete the following  
 2350 statement indicating whether you completed the ethics orientation sessions provided pursuant to law:

2351 I certify that I completed ethics training as required by § 30-129.1. YES // or NO // .

2352 Statements of Economic Interests are open for public inspection.

2353 AFFIRMATION.

2354 In accordance with the rules of the house in which I serve, if I receive a request that this disclosure  
 2355 statement be corrected, augmented, or revised in any respect, I hereby pledge that I shall respond  
 2356 promptly to the request. I understand that if a determination is made that the statement is insufficient, I  
 2357 will satisfy such request or be subjected to disciplinary action of my house.

2358 I swear or affirm that the foregoing information is full, true and correct to the best of my knowledge.

2359 Signature \_\_\_\_\_ (Such signature shall be deemed to constitute a  
 2360 valid notarization and shall have the same effect as if performed by a notary public.)

2361 (Return only if needed to complete Statement.)

2362 SCHEDULES

2363 to

2364 STATEMENT OF ECONOMIC INTERESTS.

2365 NAME \_\_\_\_\_

2366 SCHEDULE A - OFFICES AND DIRECTORSHIPS.

2367 Identify each business of which you or a member of your immediate family is a paid officer or paid  
 2368 director.

2369 \_\_\_\_\_

2370

2371 Name of Business	2372 Address of Business	2373 Position Held and by Whom
2374 _____	2375 _____	2376 _____
2377 _____	2378 _____	2379 _____
2380 _____	2381 _____	2382 _____
2383 _____	2384 _____	2385 _____

2371 Name of Business

2372 Address of Business

2373 Position Held and by Whom

2374 \_\_\_\_\_

2375 \_\_\_\_\_

2376 \_\_\_\_\_

2377

RETURN TO ITEM 2

2378 SCHEDULE B - PERSONAL LIABILITIES.

2379 Report personal liability by checking each category. Report only debts in excess of \$5,000. Do not  
 2380 report debts to any government. Do not report loans secured by recorded liens on property at least equal  
 2381 in value to the loan.

2382 Report contingent liabilities below and indicate which debts are contingent.

2383 1. My personal debts are as follows:

2384 \_\_\_\_\_

2385

2386 Check

2387 appropriate \$5,001 to More than

2388 categories \$50,000 \$50,000

2389 Banks \_\_\_\_\_

2390 Savings institutions \_\_\_\_\_

2391 Other loan or finance companies \_\_\_\_\_

2392 Insurance companies \_\_\_\_\_

2393 Stock, commodity or other brokerage \_\_\_\_\_

2394 companies \_\_\_\_\_

2395 Other businesses: \_\_\_\_\_



2396 (State principal business activity for each  
2397 creditor and its name.)

2398			
2399			
2400			
2401	Individual creditors:		
2402	(State principal business or occupation of		
2403	each creditor and its name.)		
2404			
2405			
2406			

2407  
2408 2. The personal debts of the members of my immediate family are as follows:

2409			
2410			
2411	Check	Check one	
2412	appropriate	\$5,001 to	More than
2413	categories	\$50,000	\$50,000
2414	Banks		
2415	Savings institutions		
2416	Other loan or finance companies		
2417	Insurance companies		
2418	Stock, commodity or other brokerage		
2419	companies		
2420	Other businesses:		
2421	(State principal business activity for each		
2422	creditor and its name.)		
2423			
2424			
2425			
2426	Individual creditors:		
2427	(State principal business or occupation of		
2428	each creditor and its name.)		
2429			
2430			
2431			
2432			

2433 RETURN TO ITEM 3

2434 SCHEDULE C - SECURITIES.

2435 "Securities" INCLUDES stocks, bonds, mutual funds, limited partnerships, and commodity futures  
2436 contracts.

2437 "Securities" EXCLUDES certificates of deposit, money market funds, annuity contracts, and  
2438 insurance policies.

2439 Identify each business or Virginia governmental entity in which you or a member of your immediate  
2440 family, directly or indirectly, separately or together, own securities valued in excess of \$5,000. Name  
2441 each issuer and type of security individually.

2442 Do not list U.S. Bonds or other government securities not issued by the Commonwealth of Virginia  
2443 or its authorities, agencies, or local governments. Do not list organizations that do not do business in  
2444 this Commonwealth, but most major businesses conduct business in Virginia. Account for securities held  
2445 in trust.

2446 If no reportable securities, check here / / .

2447				
2448				
2449		Check one		
2450	Type of Security	\$5,001	\$50,001	More
2451	(stocks, bonds, mutual	to	to	than
2452	Name of Issuer	\$50,000	\$250,000	\$250,000
	funds, etc.)			

2453				
2454				
2455				
2456				
2457				

RETURN TO ITEM 4

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

List each source from which you received during the past six months in your capacity as a legislator lodging, transportation, money, or any other thing of value with a combined value exceeding \$200 \$100 (i) for your presentation of a single talk, participation in one meeting, or publication of a work or (ii) for your attendance at a meeting, conference, or event where your attendance at the meeting, conference, or event was designed to (a) educate you on issues relevant to your duties as a legislator, including issues faced by your constituents, or (b) enhance your knowledge and skills relative to your duties as a legislator. Any lodging, transportation, money, or other thing of value received by a legislator that does not satisfy the criteria of clause (i), (ii)(a), or (ii)(b) shall be listed as a gift on Schedule E. Do not list payments or reimbursements by the Commonwealth. (See Schedule D-2 for such payments or reimbursements.) List a payment even if you donated it to charity. Do not list information about a payment if you returned it within 60 days or if you received it from an employer already listed under Item 6 or from a source of income listed on Schedule F.

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

2473				
2474				
2475				Type of Payment
2476				(e.g., Honoraria,
2477				Travel reimburse-
2478	Payer	Approximate Value	Circumstances	ment, etc.)
2479				
2480				
2481				
2482				
2483				

RETURN TO ITEM 5

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

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

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

2491				
2492				
2493				Type of Payment
2494				(e.g., Travel
2495				reimbursement,
2496	Payer	Approximate Value	Circumstances	etc.)
2497				
2498				
2499				
2500				
2501				

**SCHEDULE E - GIFTS.**

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

Do not list entertainment events unless the average value per person attending the event exceeded \$50. Do not list business entertainment related to the private profession or occupation of you or the member of your immediate family who received such business entertainment. Do not list gifts or other

2509				
2510				
2511				

things of value given by a relative or personal friend for reasons clearly unrelated to your public position. Do not list campaign contributions publicly reported as required by Chapter 9.3 (§ 24.2-945 et seq.) of Title 24.2 of the Code of Virginia.

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

RETURN TO ITEM 6

**SCHEDULE F-1 - BUSINESS INTERESTS.**

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

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

Name of Business Corporation, Partnership, Farm; Address of Rental Property	City or County and State	Nature of Enterprise (farming, law, rental property, etc.)		Gross income	
			\$50,000 or less	\$50,001 to \$250,000	More than \$250,000

RETURN TO ITEM 8

**SCHEDULE F-2 - LOBBYIST RELATIONSHIPS AND PAYMENTS.**

Complete this Schedule for each lobbyist relationship with the following:

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

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

List each person or business	Describe each relationship	Dates of relationship	\$10,000 or less	Payments to Lobbyist	More than \$10,000

THE DISCLOSURE OF A LOBBYIST RELATIONSHIP SHALL NOT (I) CONSTITUTE A

2570 WAIVER OF ANY ATTORNEY-CLIENT OR OTHER PRIVILEGE, (II) REQUIRE A WAIVER OF  
 2571 ANY ATTORNEY-CLIENT OR OTHER PRIVILEGE FOR A THIRD PARTY, OR (III) BE  
 2572 REQUIRED WHERE A MEMBER OR MEMBER-ELECT IS EMPLOYED OR ENGAGED BY A  
 2573 PERSON AND SUCH PERSON ALSO EMPLOYS OR ENGAGES A PERSON IN A LOBBYIST  
 2574 RELATIONSHIP SO LONG AS THE MEMBER OR MEMBER-ELECT HAS NO FINANCIAL  
 2575 INTEREST IN THE LOBBYIST RELATIONSHIP.

2576 SCHEDULE G-1 - PAYMENTS FOR REPRESENTATION BY YOU.

2577 List the businesses you represented before any state governmental agency, excluding any court or  
 2578 judge, for which you received total compensation during the past six months in excess of \$1,000,  
 2579 excluding compensation for other services to such businesses and representation consisting solely of the  
 2580 filing of mandatory papers and subsequent representation regarding the mandatory papers filed by you.

2581 Identify each business, the nature of the representation and the amount received by dollar category  
 2582 from each such business. You may state the type, rather than name, of the business if you are required  
 2583 by law not to reveal the name of the business represented by you.

		Pur-	Amount Received					
Name	Type	pose						
of	of	Repre-	Name	\$1,001	\$10,001	\$50,001	\$100,001	
Busi-	Busi-	senta-	of	to	to	to	to	\$250,001
ness	ness	tion	Agency	\$10,000	\$50,000	\$100,000	\$250,000	and over

2597 If you have received \$250,001 or more from a single business within the reporting period, indicate  
 2598 the amount received, rounded to the nearest \$10,000. Amount Received: \_\_\_\_\_.

2599 SCHEDULE G-2 - PAYMENTS FOR REPRESENTATION BY ASSOCIATES.

2600 List the businesses that have been represented before any state governmental agency, excluding any  
 2601 court or judge, by persons who are your partners, associates or others with whom you have a close  
 2602 financial association and who received total compensation in excess of \$1,000 for such representation  
 2603 during the past six months, excluding representation consisting solely of the filing of mandatory papers  
 2604 and subsequent representation regarding the mandatory papers filed by your partners, associates or others  
 2605 with whom you have a close financial association.

2606 Identify such businesses by type and also name the state governmental agencies before which such  
 2607 person appeared on behalf of such businesses.

Type of Business	Name of State Governmental Agency

2615 SCHEDULE G-3 - PAYMENTS FOR OTHER SERVICES GENERALLY.

2616 Indicate below types of businesses that operate in Virginia to which services were furnished by you  
 2617 or persons with whom you have a close financial association pursuant to an agreement between you and  
 2618 such businesses, or between persons with whom you have a close financial association and such  
 2619 businesses and for which total compensation in excess of \$1,000 was received during the past six  
 2620 months. Services reported in this Schedule shall not include services involving the representation of  
 2621 businesses that are reported in Schedule G-1 or G-2 above.

2622 Identify opposite each category of businesses listed below (i) the type of business, (ii) the type of  
 2623 service rendered and (iii) the value by dollar category of the compensation received for all businesses  
 2624 falling within each category.

2625  
 2626  
 2627  
 2628 Check

	if	Type	Value of Compensation				
	ser-	of					
	vices	ser-					
	were	vice	\$1,001	\$10,001	\$50,001	\$100,001	
	ren-	ren-	to	to	to	to	\$250,001
	dered	dered	\$10,000	\$50,000	\$100,000	\$250,000	and over
2629							
2630							
2631							
2632							
2633							
2634							
2635	Electric utilities						
2636	Gas utilities						
2637	Telephone utilities						
2638	Water utilities						
2639	Cable television						
2640	companies						
2641	Interstate						
2642	transportation						
2643	companies						
2644	Intrastate						
2645	transportation						
2646	companies						
2647	Oil or gas retail						
2648	companies						
2649	Banks						
2650	Savings						
2651	institutions						
2652	Loan or finance						
2653	companies						
2654	Manufacturing						
2655	companies (state						
2656	type of product,						
2657	e.g., textile,						
2658	furniture, etc.)						
2659	Mining companies						
2660	Life insurance						
2661	companies						
2662	Casualty insurance						
2663	companies						
2664	Other insurance						
2665	companies						
2666	Retail companies						
2667	Beer, wine or						
2668	liquor companies						
2669	or distributors						
2670	Trade associations						
2671	Professional						
2672	associations						
2673	Associations of						
2674	public employees						
2675	or officials						
2676	Counties, cities						
2677	or towns						
2678	Labor organizations						
2679	Other						
2680							

RETURN TO ITEM 9

## SCHEDULE H - REAL ESTATE.

2682 List real estate other than your principal residence in which you or a member of your immediate  
 2683 family holds an interest, including a partnership interest, option, easement, or land contract, valued at  
 2684 \$5,000 or more. Each parcel shall be listed individually.  
 2685

2686			
2687			
2688		Describe the type of real	
2689		estate you own in each	
2690	List the location	location (business,	If the real estate is
2691	(state, and county	recreational, apartment,	owned or recorded in
2692	or city where you	commercial, open land,	a name other than your
2693	own real estate)	etc.)	own, list that name
2694			
2695			
2696			
2697			
2698			
2699			

RETURN TO ITEM 10

# SCHEDULE I - REAL ESTATE CONTRACTS WITH STATE GOVERNMENTAL AGENCIES.

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

2710			
2711			
2712	List your real		
2713	estate interest and		
2714	the person or entity,		
2715	including the type of		
2716	entity, which is		
2717	party to the contract.		
2718	Describe any		State the annual
2719	management role and	List each	income from the
2720	the percentage	governmental agency	contract, and the
2721	ownership interest	which is a party to	amount, if any, of
2722	you or your immediate	the contract and	income you or any
2723	family member has in	indicate the county	immediate family
2724	the real estate	or city where the	member derives
2725	or entity.	real estate is located.	annually from
2726			the contract.
2727			
2728			
2729			
2730			

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

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

D. Ten percent of the membership of a house, on the basis of newly discovered facts, may in writing request the house in which those members sit, in accordance with the rules of that house, to review the Statement of Economic Interests of another member of that house in order to determine the adequacy of

his filing. In accordance with the rules of each house, each Statement of Economic Interests shall be promptly reviewed, the adequacy of the filing determined, and notice given in writing to the legislator whose Statement is in issue. Should it be determined that the Statement requires correction, augmentation or revision, the legislator involved shall be directed to make the changes required within such time as shall be set under the rules of each house.

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

**§ 30-124. Advisory opinions.**

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

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

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

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

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

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

B. The Council shall consist of ~~45~~ *nine* members as follows: ~~four~~ *three* members appointed by the Speaker of the House of Delegates, ~~one~~ *two* of whom shall be a ~~member~~ *members* of the House of Delegates; ~~and one of whom shall be a former member of the House of Delegates; and two of whom shall be nonlegislative citizen members former judge of a court of record; four~~ *three* members appointed by the Senate Committee on Rules, ~~one~~ *two* of whom shall be a ~~member~~ *members* of the Senate; ~~and one of whom shall be a former member of the Senate; and two of whom shall be nonlegislative citizen members former judge of a court of record; four~~ *and three* members appointed by the Governor, ~~two~~ *one* of whom shall be ~~executive branch employees and two of whom shall be nonlegislative citizen members; one member designated by the Attorney General; one member appointed by the Senate Committee on Rules~~ *a current or former executive branch employee, one of whom shall be appointed from a list of three nominees submitted by the Virginia Association of Counties; and one member appointed by the Speaker of the House of Delegates of whom shall be appointed from a list of three nominees submitted by the Virginia Municipal League. In the appointment to the Council of members of the House of Delegates made by the Speaker and members of the Senate made by the Senate Committee on Rules, equal representation shall be given to each of the political parties having the highest and next highest number of members elected to their respective body.* All members of the Council are subject to confirmation by the General Assembly by a majority vote in each house of (i) the members present of the majority party and (ii) the members present of the minority party.

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

terms coincident with their terms of office. Legislative members may be reappointed for successive terms.

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

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

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

The Council shall:

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

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

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

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

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

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

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

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

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

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



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

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

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

A. The Council shall receive and review a request for the approval of travel submitted by a person required to file the disclosure form prescribed in § 2.2-3117 or 30-111 to accept any travel-related transportation, lodging, hospitality, food or beverage, or other thing of value that has a value exceeding \$100 where such approval is required pursuant to subsection G of § 2.2-3103.1 or subsection F of § 30-103.1. A request for the approval of travel shall not be required for the following, but such travel shall be disclosed as may be required by the Acts:

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

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

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

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

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

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

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

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

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

**§ 30-357. Staff.**

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

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

3. That the Virginia Conflict of Interest and Ethics Advisory Council shall review the current

2927 statutory disclosure forms located at §§ 2.2-426, 2.2-3117, 2.2-3118, and 30-111 of the Code of  
2928 Virginia and make recommendations for the revision of such forms consistent with the provisions  
2929 of this act. The Council shall submit its recommendations to the General Assembly on or before  
2930 November 15, 2016.

2931 4. That the provisions of this act shall become effective on January 1, 2016, except that the  
2932 provisions of this act amending §§ 30-355, 30-356, and 30-357 shall become effective on July 1,  
2933 2015.

2934 5. Notwithstanding the sixth enactment of Chapters 792 and 804 of the Acts of Assembly of 2014,  
2935 that any filer required to file a disclosure form pursuant to § 2.2-3115 shall file such form with the  
2936 applicable clerk of the governing body of the county, city, or town or the clerk of the school  
2937 board.

2938 6. That the provisions of this act may result in a net increase in periods of imprisonment or  
2939 commitment. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot  
2940 be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter  
2941 2 of the Acts of Assembly of 2014, Special Session I, requires the Virginia Criminal Sentencing  
2942 Commission to assign a minimum fiscal impact of \$50,000. Pursuant to § 30-19.1:4, the estimated  
2943 amount of the necessary appropriation cannot be determined for periods of commitment to the  
2944 custody of the Department of Juvenile Justice.

2945 7. That the initial terms of the nonlegislative citizen members of the Virginia Conflict of Interest  
2946 and Ethics Advisory Council appointed pursuant to this act shall be staggered as follows: (i) the  
2947 appointed representative of the Virginia Municipal League for a term of one year; (ii) one former  
2948 judge of a court of record appointed by the Speaker of the House for a term of two years; (iii) the  
2949 former executive branch employee, if any, for a term of two years; (iv) one former judge of a  
2950 court of record appointed by the Senate Committee on Rules for a term of three years; and (v)  
2951 the appointed representative of the Virginia Association of Counties for a term of four years.

2952 8. That, if the General Assembly is not in session when initial appointments to the Virginia  
2953 Conflict of Interest and Ethics Advisory Council are made pursuant to this act, such initial  
2954 appointments shall be confirmed at the next succeeding regular session of the General Assembly  
2955 following such appointments and the Council may exercise all powers and perform all duties set  
2956 forth in this act notwithstanding any provisions of this act requiring confirmation of members  
2957 appointed to the Council by the General Assembly.