15102749D

SENATE BILL NO. 1424

Offered January 23, 2015

A BILL to amend and reenact §§ 2.2-115, 2.2-419, 2.2-424, 2.2-426, 2.2-430, 2.2-431, 2.2-433, 2.2-3101, 2.2-3103, 2.2-3103.1, 2.2-3104.01, 2.2-3106, 2.2-3114 through 2.2-3118, 2.2-3121, 2.2-3124, 30-101, 30-103, 30-103.1, 30-110, 30-111, 30-124, 30-126, 30-129.1, and 30-355 through 30-358 of the Code of Virginia and to amend the Code of Virginia by adding sections numbered 30-356.1 through 30-356.4, relating to State and Local Government Conflict of Interests Act, General Assembly Conflicts of Interests Act, and the Virginia Conflict of Interest and Ethics Advisory Council; ethics reforms.

Patrons—Norment, Ebbin, Edwards, Marsden, Petersen, Stuart, Watkins and Wexton

---

Referred to Committee on Rules

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-115, 2.2-419, 2.2-424, 2.2-426, 2.2-430, 2.2-431, 2.2-433, 2.2-3101, 2.2-3103, 2.2-3103.1, 2.2-3104.01, 2.2-3106, 2.2-3114 through 2.2-3118, 2.2-3121, 2.2-3124, 30-101, 30-103, 30-103.1, 30-110, 30-111, 30-124, 30-126, 30-129.1, and 30-355 through 30-358 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding sections numbered 30-356.1 through 30-356.4 as follows:

§ 2.2-115. Governor'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 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 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 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 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. No person or entity that is seeking to become a business beneficiary of funds from the Fund and no individual who is an officer or director of such entity shall knowingly provide a contribution, gift, or other item with a value greater than $50 or make an express or implied promise to make such a contribution or gift to the Governor, or to his campaign committee or a political action committee established on his behalf, while seeking such funds and until the grant or loan sought has been awarded. The provisions of this subsection shall apply only for any grant or loan where the stated or expected value of the grant or loan is $500,000 or more. 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. 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.

§ 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

15. Any other thing of value that is pecuniary or compensatory in value to a person.

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

"Compensation" means:

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

2. A contract, agreement, promise or other obligation for an advance, conveyance, forgiveness of

indebtedness, deposit, distribution, loan, payment, gift, pledge, or transfer of money or anything of value, for services rendered or to be rendered.

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

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

"Executive action" means the proposal, drafting, development, consideration, amendment, adoption, approval, promulgation, issuance, modification, rejection, or postponement by an executive agency or official of legislation or executive orders issued by the Governor.

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

"Executive official" means:

1. The Governor;

2. The Lieutenant Governor;

3. The Attorney General;

4. Any officer or employee of the office of the Governor or Lieutenant Governor other than a clerical or secretarial employee;

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

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

"Expenditure" means:

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

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

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

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

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

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

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

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

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

"Gift" means anything of value to the extent that a consideration of equal or greater value is not received.

"Gift" does not mean:

1. Printed informational or promotional material;

2. A gift that is not used and, no later than 60 days after receipt, is returned to the donor or 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.

"Immediate family" means (i) the spouse and (ii) any child 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.

"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.

§ 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 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~~ *prescribed and made available* by the Virginia Conflict of Interest and Ethics Advisory Council~~, which shall be substantially as follows 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. A person required to file this disclosure statement who does so knowing it to contain a material misstatement of fact is guilty of a Class 5 felony.*

~~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,~~

INTRODUCED

SB1424

provide your job title.

PLEASE NOTE: Some lobbyists are not individually compensated for lobbying activities. This may occur when several members of a firm represent a single principal. The principal, in turn, makes a single payment to the firm. If this describes your situation, do not answer Part II, items 5a and 5b. Instead, complete Part III, items 1 and 2.

(5a) What was the DOLLAR AMOUNT OF YOUR COMPENSATION as a lobbyist? (If you have job responsibilities other than those involving lobbying, you may have to prorate to determine the part of your salary attributable to your lobbying activities.) Transfer your answer to this item to Part I, item 6e.

(5b) Explain how you arrived at your answer to Part II, item 5a.

PART III:

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

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

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

SCHEDULE A

ENTERTAINMENT EXPENSES

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

Date and Location of Event:

Description of Event:

Total Number of Persons Attending:

.....

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

Food $ _____

Beverages $ _____

Transportation of Legislative and Executive Officials or Members of Their Immediate Families $ _____

Lodging of Legislative and Executive Officials or Members of Their Immediate Families $ _____

Performers, Speakers, Etc. $ _____

Displays $ _____

~~Rentals $ _____~~
~~Service Personnel $ _____~~
~~Miscellaneous $ _____~~
~~TOTAL $ _____~~

~~SCHEDULE B~~
~~GIFTS~~

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

~~Date of gift:~~	~~Description of gift:~~	~~Name of each legislative or executive official or member of his immediate family who is a recipient of a gift:~~	~~Cost of individual gift:~~
_____	_____	_____	~~$~~ _____
_____	_____	_____	~~$~~ _____
_____	_____	_____	~~$~~ _____
_____	_____	_____	~~$~~ _____
~~TOTAL COST TO PRINCIPAL~~			~~$~~ _____

~~SCHEDULE C~~
~~OTHER EXPENSES~~

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

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

~~PART IV: STATEMENTS~~

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

~~(1) All signatures on the statement must be ORIGINAL in the format specified in the instructions provided by the Council that accompany this form. No stamps, or other reproductions of the individual's signature will be accepted.~~

~~(2) An individual MAY NOT sign the disclosure statement as lobbyist and principal officer.~~

~~STATEMENT OF LOBBYIST~~

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

~~_~~
~~_____ _____~~
~~Signature of lobbyist~~
~~_~~
~~_____ _____~~
~~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 the disclosure statement knowing it to contain a material misstatement of fact is guilty of a Class 5 felony.~~ *Certain information regarding the principal and the lobbyist shall be reported. Such report shall include:*

1. The name and contact information of the lobbyist;

2. The name and contact information of each principal for whom the lobbyist or the firm, organization, association, corporation, or other entity employing the lobbyist provided lobbying services;

3. The total amount paid by each principal to the lobbyist or the firm, organization, association, corporation, or other entity employing the lobbyist for services rendered; and

4. A list of executive and legislative actions for which the lobbyist lobbied on behalf of each principal and a description of activities conducted.

E. *Certain information regarding entertainment expenses shall be reported. For each entertainment event with a value exceeding $25, such report shall include:*

1. The date and location of the event;

2. A description of the event;

3. The total number of persons in attendance;

4. The names of legislative and executive officials and members of their immediate families in attendance; and

5. The total amount of the expenses for:

a. Food;

b. Beverages;

c. Transportation of legislative and executive officials and members of their immediate families;

d. Lodging of legislative and executive officials and members of their immediate families;

e. Performers or speakers;

f. Displays;

g. Rentals;

h. Service personnel; and

i. Miscellaneous items.

F. Certain information regarding gifts shall be reported. Only gifts with a value exceeding $25 shall be reported. For each gift provided to a legislative or executive official or a member of his immediate family, such report shall include:

1. The date of the gift;

2. The name of the recipient or recipients;

3. The exact gift; and

4. The value of the gift.

G. Certain information regarding other lobbying-related expenses shall be reported. The Council shall provide guidance on what constitutes a lobbying-related expense.

H. 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 gifts or entertainment reports of* the Lobbyist's Disclosure Form a copy of ~~Schedule A or B~~ *the report* 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 *Council shall notify the Secretary of any lobbyist's failure to file the statement within the time prescribed, and the* penalty 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.

§ 2.2-433. Prohibited acts; violation a misdemeanor.

A. No lobbyist shall:

1. Lobby in violation of the provisions of this article;

2. Make any expenditure, or obligate himself to do so, in connection with lobbying, unless he fully discloses the expenditure as required in this article; or

3. Misrepresent in any material respect or omit any information required to be reported pursuant to this article.

B. No lobbyist's principal shall:

1. Fail to file any statement required to be filed by the provisions of this article;

2. Misrepresent in any material respect or omit any information required to be reported pursuant to this article; or

3. Violate any of the provisions of this article.

C. Except as provided in subsection ~~D~~ *C* of § 2.2-426, any lobbyist or lobbyist's principal violating any provision of this article shall be guilty of a Class 1 misdemeanor. However, a lobbyist who receives no compensation or anything of value for lobbying shall not be subject to the criminal penalties prescribed by this section.

§ 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-subsidiary 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.

"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, *or* 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) *food or beverages consumed while attending an event at which the filer is performing duties related to his public service; (iii)* honorary degrees; ~~(iii)~~ *(iv)* 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)~~ *(v) unsolicited, personally-inscribed 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; (vi)* a campaign contribution properly received and reported pursuant to Chapter 9.3 (§ 24.2-945 et seq.) of Title 24.2; ~~(v)~~ *(vii)* any gift related to the private profession or occupation of an officer or employee or of a member of his immediate family; or ~~(vi)~~ *(viii)* gifts from relatives or ~~personal friends~~ *received at personal celebrations*. For the purpose of this definition, "relative" means the donee's spouse, child, uncle, aunt, niece, or nephew; a person to whom the donee is engaged to be married; the donee's or his spouse's parent, grandparent, grandchild, brother, or 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 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. Prohibited conduct.

No officer or employee of a state or local governmental or advisory agency shall:

1. Solicit or accept money or other thing of value for services performed within the scope of his official duties, except the compensation, expenses or other remuneration paid by the agency of which he is an officer or employee. This prohibition shall not apply to the acceptance of special benefits that may be authorized by law;

2. Offer or accept any money or other thing of value for or in consideration of obtaining employment, appointment, or promotion of any person with any governmental or advisory agency;

3. Offer or accept any money or other thing of value for or in consideration of the use of his public position to obtain a contract for any person or business with any governmental or advisory agency;

4. Use for his own economic benefit or that of another party confidential information that he has acquired by reason of his public position and which is not available to the public;

5. Accept any money, loan, gift, favor, service, or business or professional opportunity that reasonably tends to influence him in the performance of his official duties. This subdivision shall not apply to any political contribution actually used for political campaign or constituent service purposes and reported as required by Chapter 9.3 (§ 24.2-945 et seq.) of Title 24.2;

6. Accept any business or professional opportunity when he knows that there is a reasonable likelihood that the opportunity is being afforded him to influence him in the performance of his official duties;

7. Accept any honoraria for any appearance, speech, or article in which the officer or employee provides expertise or opinions related to the performance of his official duties. The term "honoraria" shall not include any payment for or reimbursement to such person for his actual travel, lodging, or subsistence expenses incurred in connection with such appearance, speech, or article or in the alternative a payment of money or anything of value not in excess of the per diem deduction allowable under § 162 of the Internal Revenue Code, as amended from time to time. The prohibition in this subdivision shall apply only to the Governor, Lieutenant Governor, Attorney General, Governor's Secretaries, and heads of departments of state government;

8. Accept a gift from a person who has interests that may be substantially affected by the performance of the officer's or employee's official duties under circumstances where the timing and nature of the gift would cause a reasonable person to question the officer's or employee's impartiality in the matter affecting the donor. Violations of this subdivision shall not be subject to criminal law

penalties; ~~or~~

9. Accept gifts from sources on a basis so frequent as to raise an appearance of the use of his public office for private gain. Violations of this subdivision shall not be subject to criminal law penalties*; or*

10. Solicit, accept, or receive any transportation, lodging, meal, hospitality, or other travel-related thing of value exceeding the limitation prescribed in § 2.2-3103.1 that is to be provided by a third party prior to submitting to the Council a request for a waiver to accept such travel-related thing of value and receiving such a waiver pursuant to § 30-356.2.

§ 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.~~

~~B.~~ An officer or employee of a *state or* 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~~ *$100* or ~~a~~ *any* combination of ~~tangible~~ gifts with an aggregate value in excess of ~~$250~~ *$100* 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~~. *Gifts received from relatives or while in attendance at a personal celebration are not subject to this prohibition or the disclosure requirements of § 2.2-3117.*

~~C. An~~ *B. Notwithstanding the provisions of subsection A, an* officer or employee of a state *or 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 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~~ *may accept or receive a gift or a combination of gifts with a value in excess of $100 when such gift is accepted or received while in attendance at a widely attended event. A widely attended event is one that is publicly noticed to which all executive officers or employees are invited and there are at least 10 persons in attendance. Such gifts shall be reported on the disclosure form prescribed in § 2.2-3117. Food and beverages received at any event at which the officer or employee is a featured speaker, presenter, or lecturer are not subject to the provisions of subsection A.*

C. Notwithstanding the provisions of subsection A, an officer or employee of a state or local governmental or advisory agency or candidate required to file the disclosure form prescribed in § 2.2-3117 may accept or receive certain gifts with a value in excess of $100 when he has submitted a request for a waiver to and has received the approval of the Council pursuant to § 30-356.2. Such gifts shall be reported on the disclosure form prescribed in § 2.2-3117. An officer, employee, or candidate may request a waiver for the following gifts:

1. A gift or a combination of gifts from a personal friend. In making its determination to grant the waiver, the Council shall consider the nature and length of the friendship.

2. Transportation, lodging, hospitality, or other travel-related thing of value that is provided by a third party and is directly related to the official duties of the officer or employee. In making its determination to grant the waiver, the Council shall consider the purpose of the trip as it relates to the officer's or employee's public duties and responsibilities.

D. 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 is a party to

such civil action. A person, organization, or business who 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. *For purposes of this subsection, "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.*

~~E. The $250 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.~~

§ 2.2-3104.01. 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 Governor'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 (§ 56-556 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 $50 from any person or entity that is seeking to become a business beneficiary of grants or loans from the Governor's Development Opportunity Fund while the person or entity is seeking such funds and until the grant or loan sought has been awarded.

~~B.~~ *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 Governor's Development Opportunity Fund where the value of the grant or loan is $500,000 or more*. 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. 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.

§ 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, 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.

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 or deans 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. Forms filed by members of governing bodies of authorities 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 ~~Virginia Conflict of Interest and Ethics Advisory~~ Council.

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 on or before December 15. Such disclosures shall be filed and maintained as public records for five years. 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 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~~ *such forms 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~~ *such forms* as required by § 24.2-502. *Disclosure forms 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; penalty.

A. 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:~~ *on a form prescribed by the Council. All completed forms shall be filed electronically and in accordance with the standards approved by the Council pursuant to § 30-356. A person required to file this disclosure form who does so knowing it to contain a material misstatement of fact 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) gifts from relatives or personal friends. "Relative" means the donee's spouse, child, uncle, aunt, niece, or nephew; a person to whom the donee is engaged to be married; the donee's or his spouse's parent, grandparent, grandchild, brother, or 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 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 (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, 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 state or local government or advisory agencies.)~~

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

_____

_____

_____

_____

~~7. Business Interests.~~

~~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.~~

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

~~8A. Did you represent, excluding activity defined as lobbying in § 2.2-419, 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? (Officers and employees of local governmental and advisory agencies do NOT need to answer this question or complete Schedule G-1.)~~

~~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, excluding activity defined as lobbying in § 2.2-419, any businesses before any state governmental agency for which total compensation was received during the past six months in excess of $1,000? (Officers and employees of local governmental and advisory agencies do NOT need to answer this question or complete Schedule G-2.)~~

~~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 item 8A or 8B.~~

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

~~9. Real Estate.~~

~~9A. State Officers and Employees.~~

~~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-1.~~

~~9B. Local Officers and Employees.~~

~~Do you or a member of your immediate family hold an interest, including a partnership interest, or option, easement, or land contract, 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-2.~~

~~10. Real Estate Contracts with 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 governmental agency? If the real estate contract provides for the leasing of the property to a governmental agency, do you or a member of your immediate family hold an interest in the real estate valued at more than $1,000? Account for all such contracts whether or not your interest is reported in Schedule F, H-1, or H-2. 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.~~

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

~~Statements of Economic Interests are open for public inspection.~~

~~AFFIRMATION BY ALL FILERS.~~

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

~~Signature .....~~

~~(Return only if needed to complete Statement.)~~

~~SCHEDULES~~

~~to~~

~~STATEMENT OF ECONOMIC INTERESTS.~~

~~NAME .....~~

~~SCHEDULE A - OFFICES AND DIRECTORSHIPS.~~

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

Name of Business	Address of Business	Position Held and by Whom

~~RETURN TO ITEM 2~~

~~SCHEDULE B - PERSONAL LIABILITIES.~~

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

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

~~1. My personal debts are as follows:~~

~~Check appropriate categories~~	~~Check one $5,001 to $50,000~~	~~More than $50,000~~
~~Banks~~		
~~Savings institutions~~		
~~Other loan or finance companies~~		
~~Insurance companies~~		
~~Stock, commodity or other brokerage companies~~		
~~Other businesses:~~		
~~(State principal business activity for each creditor and its name.)~~		
~~Individual creditors:~~		
~~(State principal business or occupation of each creditor and its name.)~~		

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

~~Check appropriate categories~~	~~Check one $5,001 to $50,000~~	~~More than $50,000~~
~~Banks~~		
~~Savings institutions~~		
~~Other loan or finance companies~~		
~~Insurance companies~~		
~~Stock, commodity or other brokerage companies~~		
~~Other businesses:~~		
~~(State principal business activity for each creditor and its name.)~~		
~~Individual creditors:~~		
~~(State principal business or occupation of each creditor and its name.)~~		

~~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 / /.~~

Name of Issuer	Type of Security (stocks, bonds, mutual funds, etc.)	Check one $5,001 to $50,000	$50,001 to $250,000	More than $250,000

~~RETURN TO ITEM 4~~

~~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 (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 / /.~~

Payer	Approximate Value	Circumstances	Type of payment (e.g. honoraria, travel reimbursement, etc.)

~~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, 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.)	Gross Income $50,000 or less	$50,001 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 Business	Type of Business	Purpose of Representation	Name of Agency	Amount Received $1,001 to $10,000	$10,001 to $50,000	$50,001 to $100,000	$100,001 to $250,000	$250,001 and over

INTRODUCED

SB1424

If you have received $250,001 or more from a single business within the reporting period, indicate the amount received, rounded to the nearest $10,000.

Amount Received: _____.

SCHEDULE G-2 - PAYMENTS FOR REPRESENTATION BY ASSOCIATES.

List the businesses that have been represented, excluding activity defined as lobbying in § 2.2-419, before any state governmental agency, excluding any court or judge, by persons who are your partners, associates or others with whom you have a close financial association and who received total compensation in excess of $1,000 for such representation during the past six months, excluding representation consisting solely of the filing of mandatory papers and subsequent representation regarding the mandatory papers filed by your partners, associates or others with whom you have a close financial association.

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

Only STATE officers and employees should complete this Schedule.

Type of business	Name of state governmental agency

SCHEDULE G-3 - PAYMENTS FOR OTHER SERVICES GENERALLY.

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

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 services were rendered	Type of service rendered	Value of Compensation $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 companies							
Interstate transportation companies							
Intrastate transportation companies							
Oil or gas retail companies							
Banks							
Savings institutions							
Loan or finance							

companies						
Manufacturing companies (state type of product, e.g., textile, furniture, etc.)						
Mining companies						
Life insurance companies						
Casualty insurance companies						
Other insurance companies						
Retail companies						
Beer, wine or liquor companies or distributors						
Trade associations						
Professional associations						
Associations of public employees or officials						
Counties, cities or towns						
Labor organizations						
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.

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

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

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

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.		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.
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.	

B. Certain information regarding the offices, directorships, and paid employments of the filer and the members of his immediate family shall be reported. For each office, directorship, or paid employment, the report shall include:

1. The name and address of the business or employer;

2. The position held and by whom; and

3. The salary, wages, or other remuneration, including stipends and corporate director fees, received.

C. Certain information regarding the personal liabilities held by the filer or a member of his immediate family shall be reported. For each debt held, the report shall include:

1. The type of personal liability;

2. The name and principal business activity of the creditor; and

3. The amount of debt held.

For an individual creditor, the name and occupation of such creditor shall be reported.

D. Certain information regarding any securities owned by the filer or a member of his immediate family, directly or indirectly, together or separately, shall be reported. For purposes of disclosure,

"security" shall include at least stocks, bonds, mutual funds, limited partnerships, and commodity futures contracts. For each security owned, the report shall include:

1. The type of security;

2. The name of the issuer; and

3. The value of the security owned.

E. Certain information regarding any business owned by the filer or a member of his immediate family or any business in which the filer or a member of his immediate family has a controlling ownership interest shall be reported. For purposes of disclosure, "business" shall include at least corporations, partnerships, sole proprietorships, firms, enterprises, franchises, associations, trusts or foundations, or any other individual or entity carrying on a business or profession, whether or not for profit. For each such business, the report shall include:

1. The name of the business;

2. The nature of the business;

3. The county or city and the state where the business is located, unless it is a rental property, in which case, the physical address; and

4. The total income earned from the business.

F. Certain information regarding representation before governmental agencies by the filer or a person with whom the filer has a close financial association shall be reported. For each instance of representation, the report shall include:

1. The name and type of the business represented by the filer or the person with whom the filer has a close financial association;

2. The purpose of the representation;

3. The name of the agency before which the filer, or the person with whom the filer has a close financial association, appeared; and

4. The amount received for the representation.

G. Certain information regarding real estate in which the filer or a member of his immediate family holds an interest, including a partnership interest, options, easement, or land contract, shall be reported. For each parcel, the report shall include:

1. Whether or not it is the principal residence of the filer or the member of his immediate family;

2. The physical address;

3. The type of real estate;

4. The name in which the parcel is owned or recorded, and the names of any other persons in whose name the parcel is owned or recorded; and

5. Information regarding any contract with a governmental agency for the sale or exchange of the real estate.

H. Certain information regarding payments or reimbursements received by the filer for his attendance or participation at meetings, conferences, or other events, where he attended or participated in his official capacity, shall be reported. For each payment, the report shall include:

1. The person or entity paying or reimbursing the filer;

2. The date and location of the meeting, conference, or other event;

3. The purpose of the meeting, conference, or other event;

4. The type of payment or reimbursement received; and

5. The approximate value of the payment or reimbursement received.

I. Certain information regarding gifts accepted or received by the filer or a member of his immediate family shall be reported. Only gifts with a value in excess of $25 shall be reported. A gift for which the filer reimburses the person giving the gift for the full value of the gift does not need to be reported. For each gift, the report shall include:

1. The name of the recipient;

2. The individual or entity providing the gift;

3. The exact gift; and

4. The value of the gift.

J. Certain information regarding travel shall be reported. For each trip, the report shall include:

1. The date and destination of the trip;

2. The purpose of the travel; and

3. An itemized accounting of all expenses related to the trip. For each expense, the report shall include:

a. The person or entity paying for the expense;

b. The type of expense;

c. The amount of the expense; and

d. The date the expense was received.

§ 2.2-3118. Disclosure form; certain citizen members.

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:~~ *on a form prescribed by the Council. All completed forms shall be filed electronically and in accordance with the standards approved by the Council pursuant to § 30-356. The Council may specify which parts of the disclosure form are not applicable to officers and employees of local governmental and local advisory agencies.*

~~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 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~~ *B. Certain information regarding the* personal interests ~~and those of my~~ *of the filer and his* immediate family ~~are as follows: Include all forms of personal interests held at the time of filing:~~, *including* real estate, stocks, bonds, *and* equity interests in proprietorships and partnerships *held at the time of filing shall be reported*. ~~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~~ *Such report shall include*:

1. ~~Residence,~~ *The* address~~, or, if no address, location .....~~ *of the filer's residence;*

2. ~~Other real estate,~~ *The* address~~, or, if no address, location .....~~ *or addresses of other real estate owned by the filer or member of his immediate family;*

3. ~~Name~~ *The name* or principal business activity of each business in which stock, bond, or equity interest is held ~~.....~~ *by the filer or member of his immediate family*.

~~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~~ *C. Certain information regarding the* paid offices, paid directorships, and salaried employments ~~which I hold or which members of my~~ *of the filer and the members of his* immediate family ~~hold and~~

shall be reported. This report shall also include the businesses from which ~~I~~ *the filer* or members of ~~my~~ *his* immediate family receive retirement benefits ~~are as follows~~. *For each paid office, paid directorship, salaried employment, or retirement benefits, such report shall include*:

1. The name of the business or employer; and

2. The position held and by whom.

~~(You need not state any dollar amounts.)~~

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

~~Position held~~	~~Name of business~~

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

~~Position held~~	~~Name of business~~

~~III. BUSINESSES TO WHICH SERVICES WERE FURNISHED~~

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

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

~~Name of business~~	~~Name of governmental agency~~

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

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

~~Type of business~~	~~Name of state governmental agency~~

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

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

~~Electric utilities~~	

INTRODUCED

SB1424

~~Gas utilities~~ _____
~~Telephone utilities~~ _____
~~Water utilities~~ _____
~~Cable television companies~~ _____
~~Intrastate transportation companies~~ _____
~~Interstate transportation companies~~ _____
~~Oil or gas retail companies~~ _____
~~Banks~~ _____
~~Savings institutions~~ _____
~~Loan or finance companies~~ _____
~~Manufacturing companies (state type of product, e.g., textile, furniture, etc.)~~ _____
~~Mining companies~~ _____
~~Life insurance companies~~ _____
~~Casualty insurance companies~~ _____
~~Other insurance companies~~ _____
~~Retail companies~~ _____
~~Beer, wine or liquor companies or distributors~~ _____
~~Trade associations~~ _____
~~Professional associations~~ _____
~~Associations of public employees or officials~~ _____
~~Counties, cities or towns~~ _____
~~Labor organizations~~ _____

~~IV. COMPENSATION FOR EXPENSES~~

~~The~~ *D. Certain information regarding representation before any state government agency by the filer or a person with whom the filer has a close financial association shall be reported. For each instance of representation, the report shall include:*

1. The name and type of the business represented by the filer or the person with whom the filer has a close financial association; and

2. The name of the agency before which the filer, or the person with whom the filer has a close financial association, appeared.

E. Certain information regarding remuneration received by the filer or a member of his immediate family from persons, associations, or other sources other than ~~my~~ *the filer's* governmental agency ~~from which I or a member of my immediate family received remuneration in excess of $200 during the preceding year, in cash or otherwise,~~ as honorariums or payment of expenses in connection with ~~my~~ *his* attendance at any meeting or other function to which ~~I~~ *he* was invited in ~~my~~ *his* official capacity ~~are as follows~~ *shall be reported. For each honorarium or payment of expenses, the report shall include*:

1. The name of the person, association, or other source;

2. A description of the occasion; and

3. The amount of remuneration received.

~~Name of Source~~	~~Description of occasion~~	~~Amount of remuneration for each occasion~~

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

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

§ 2.2-3121. Advisory opinions.

A. A state officer or employee shall not be prosecuted for a knowing violation of this chapter if the alleged violation resulted from his good faith reliance on a written opinion of the Attorney General or the ~~Virginia Conflict of Interest and Ethics Advisory~~ Council made in response to his written request for such opinion and the opinion was made after a full disclosure of the facts.

B. A local officer or employee shall not be prosecuted for a knowing violation of this chapter if the alleged violation resulted from his good faith reliance on a written opinion of the attorney for the Commonwealth or the Council made in response to his written request for such opinion and the opinion was made after a full disclosure of the facts. The written opinion shall be a public record and shall be released upon request.

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

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

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 Council 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 attorney for the Commonwealth within 30 days of the deadline for filing.

§ 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.

"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~~,~~ *or* 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) *food or beverages consumed while attending an event at which the filer is performing duties related to his public service; (iii)* honorary degrees; ~~(iii)~~ *(iv)* 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)~~ *(v) unsolicited, personally-inscribed 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; (vi) a campaign contribution properly received and reported pursuant to Chapter 9.3 (§ 24.2-945 et seq.) of Title 24.2; ~~(v)~~ *(vii)* any gift related to the private profession or occupation of a legislator or of a member of his immediate family; or ~~(vi)~~ *(viii)* gifts from relatives or ~~personal friends~~ *received at personal celebrations*. For the purpose of this definition, "relative" means the donee's spouse, child, uncle, aunt, niece, or nephew; a person to whom the donee is engaged to be married; the donee's or his spouse's parent, grandparent, grandchild, brother, or 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; 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 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. Prohibited conduct.

No legislator shall:

1. Solicit or accept money or other thing of value for services performed within the scope of his official duties, except the compensation, expenses or other remuneration paid to him by the General Assembly. This prohibition shall not apply to the acceptance of special benefits which may be authorized by law;

2. Offer or accept any money or other thing of value for or in consideration of obtaining employment, appointment, or promotion of any person with any governmental or advisory agency;

3. Offer or accept any money or other thing of value for or in consideration of the use of his public position to obtain a contract for any person or business with any governmental or advisory agency;

4. Use for his own economic benefit or that of another party confidential information which he has acquired by reason of his public position and which is not available to the public;

5. Accept any money, loan, gift, favor, service, or business or professional opportunity that reasonably tends to influence him in the performance of his official duties. This subdivision shall not

apply to any political contribution actually used for political campaign or constituent service purposes and reported as required by Chapter 9.3 (§ 24.2-945 et seq.) of Title 24.2;

6. Accept any business or professional opportunity when he knows that there is a reasonable likelihood that the opportunity is being afforded him to influence him in the performance of his official duties;

7. During the one year after the termination of his service as a legislator, represent a client or act in a representative capacity on behalf of any person or group, for compensation, on any matter before the General Assembly or any agency of the legislative branch of government. The prohibitions of this subdivision shall apply only to persons engaged in activities that would require registration as a lobbyist under § 2.2-422. Any person subject to the provisions of this subdivision may apply to the Attorney General, as provided in § 30-122, for an advisory opinion as to the application of the restriction imposed by this subdivision on any post-public employment position or opportunity;

8. Accept any honoraria for any appearance, speech, or article in which the legislator provides expertise or opinions related to the performance of his official duties. The term "honoraria" shall not include any payment for or reimbursement to such person for his actual travel, lodging, or subsistence expenses incurred in connection with such appearance, speech, or article or in the alternative a payment of money or anything of value not in excess of the per diem deduction allowable under § 162 of the Internal Revenue Code, as amended from time to time;

9. Accept appointment to serve on a body or board of any corporation, company or other legal entity, vested with the management of the corporation, company or entity, and on which two other members of the General Assembly already serve, which is operated for profit and regulated by the State Corporation Commission as (i) a financial institution, (ii) a mortgage lender or broker, (iii) any business under Chapter 5 (§ 13.1-501 et seq.) of Title 13.1, (iv) any business under Title 38.2, or (v) any business under Title 56;

10. Accept a gift from a person who has interests that may be substantially affected by the performance of the legislator's official duties under circumstances where the timing and nature of the gift would cause a reasonable person to question the legislator's impartiality in the matter affecting the donor. Violations of this subdivision shall not be subject to criminal law penalties; ~~or~~

11. Accept gifts from sources on a basis so frequent as to raise an appearance of the use of his public office for private gain. Violations of this subdivision shall not be subject to criminal law penalties*; or*

12. Solicit, accept, or receive any transportation, lodging, meal, hospitality, or other travel-related thing of value exceeding the limitation prescribed in § 30-103.1 that is to be provided by a third party prior to submitting to the Council a request for a waiver to accept such travel-related thing of value and receiving such a waiver pursuant to § 30-356.2.

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

~~B.~~ A legislator or candidate for the General Assembly required to file the disclosure form prescribed in § 30-111 ~~(i)~~ shall not solicit, accept, or receive within any calendar year any single ~~tangible~~ gift with a value in excess of ~~$250~~ *$100* or ~~a~~ *any* combination of ~~tangible~~ gifts with an aggregate value in excess of ~~$250~~ *$100* 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 of Title 2.2; (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-1 of such disclosure form. For purposes of this subsection, "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~~. *Gifts received from relatives or while in attendance at a personal celebration are not subject to this prohibition or the disclosure requirements of § 30-111.*

B. Notwithstanding the provisions of subsection A, a legislator or candidate for the General Assembly required to file the disclosure form prescribed in § 30-111 may accept or receive a gift or a

combination of gifts with a value in excess of $100 when such gift is accepted or received while in attendance at a widely attended event. A widely attended event is one that is publicly noticed to which all members of the General Assembly are invited and there are at least 10 persons in attendance. Such gifts shall be reported on the disclosure form prescribed in § 30-111. Food and beverages received at any event at which the legislator is a featured speaker, presenter, or lecturer are not subject to the provisions of subsection A.

C. ~~The $250 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.~~ *Notwithstanding the provisions of subsection A, a legislator or candidate for the General Assembly required to file the disclosure form prescribed in § 30-111 may accept or receive certain gifts with a value in excess of $100 when he has submitted a request for a waiver to and has received the approval of the Council pursuant to § 30-356.2. Such gifts shall be reported on the disclosure form prescribed in § 30-111. A legislator or candidate for the General Assembly may request a waiver for the following gifts:*

1. A gift or combination of gifts from a personal friend. In making its determination to grant the waiver, the Council shall consider the nature and length of the friendship.

2. Transportation, lodging, hospitality, or other travel-related thing of value that is provided by a third party and is directly related to the official duties of the legislator. In making its determination to grant the waiver, the Council shall consider the purpose of the trip as it relates to the legislator's public duties and responsibilities.

§ 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 forms with the Virginia Conflict of Interest and Ethics Advisory Council. The~~ *Disclosure forms shall be filed electronically with the Council in accordance with the standards approved by it pursuant to § 30-356. All* 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.

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; penalty.

A. The disclosure form to be used for filings required by subsections A and B of § 30-110 shall be ~~substantially as follows:~~ *on a form prescribed by the Council. All completed forms shall be filed electronically and in accordance with the standards approved by the Council pursuant to § 30-356. A person required to file this disclosure form who does so knowing it to contain a material misstatement of fact 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 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) gifts from relatives or personal friends. "Relative" means the donee's spouse, child, uncle, aunt, niece, or nephew; a person to whom the donee is engaged to be married; the donee's or his spouse's parent, grandparent, grandchild, brother, or 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; 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. "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 who resides in the same household as the legislator and who is a dependent of the legislator.~~

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

~~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 11. 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 a legislator lodging, transportation, money, or anything else of value with a combined value exceeding $200 (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, 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 / /.~~

_____

_____

_____

_____

~~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 you or a member of your immediate family hold an interest in the real estate, including a corporate, partnership, or trust interest, option, easement, or land contract valued at more than $1,000? Account for all such contracts whether or not your interest is reported in Schedule F or H. 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.~~

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

~~11. Payments by the Commonwealth for Meetings.~~

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

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

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

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

~~Statements of Economic Interests are open for public inspection.~~

~~AFFIRMATION.~~

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

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

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

~~(Return only if needed to complete Statement.)~~

~~SCHEDULES~~

~~to~~

~~STATEMENT OF ECONOMIC INTERESTS.~~

~~NAME _____~~

~~SCHEDULE A - OFFICES AND DIRECTORSHIPS.~~

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

Name of Business	Address of Business	Position Held and by Whom

~~RETURN TO ITEM 2~~

~~SCHEDULE B - PERSONAL LIABILITIES.~~

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

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

~~1. My personal debts are as follows:~~

Check appropriate categories	Check one $5,001 to $50,000	More than $50,000
Banks		
Savings institutions		
Other loan or finance companies		
Insurance companies		
Stock, commodity or other brokerage companies		

~~Other businesses:~~
~~(State principal business activity for each creditor and its name.)~~

_____ _____ _____
_____ _____ _____
_____ _____ _____

~~Individual creditors:~~
~~(State principal business or occupation of each creditor and its name.)~~

_____ _____ _____
_____ _____ _____
_____ _____ _____
_____

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

_____

~~Check appropriate categories~~	~~Check one $5,001 to $50,000~~	~~More than $50,000~~
~~Banks~~		
~~Savings institutions~~		
~~Other loan or finance companies~~		
~~Insurance companies~~		
~~Stock, commodity or other brokerage companies~~		
~~Other businesses:~~		
~~(State principal business activity for each creditor and its name.)~~		
~~Individual creditors:~~		
~~(State principal business or occupation of each creditor and its name.)~~		

~~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 / /.~~

_____

~~Name of Issuer~~	~~Type of Security (stocks, bonds, mutual funds, etc.)~~	~~Check one $5,001 to $50,000~~	~~$50,001 to $250,000~~	~~More than $250,000~~

RETURN TO ITEM 4

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 (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 / /.

Payer	Approximate Value	Circumstances	Type of Payment (e.g., Honoraria, Travel reimbursement, etc.)

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 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 / /.

Payer	Approximate Value	Circumstances	Type of Payment (e.g., Travel reimbursement, etc.)

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, 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-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	Payments to Lobbyist $10,000 or less	Payments to Lobbyist More than $10,000

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

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

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

~~List the businesses you represented 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.~~

Name of Business	Type of Business	Purpose of Representation	Name of Agency	Amount Received $1,001 to $10,000	$10,001 to $50,000	$50,001 to $100,000	$100,001 to $250,000	$250,001 and over

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

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

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

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

Type of Business	Name of State Governmental Agency

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

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

~~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	Value of Compensation $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 companies							
Interstate transportation companies							
Intrastate transportation companies							
Oil or gas retail companies							
Banks							
Savings institutions							
Loan or finance companies							
Manufacturing companies (state type of product, e.g., textile, furniture, etc.)							
Mining companies							
Life insurance companies							
Casualty insurance companies							
Other insurance companies							
Retail companies							
Beer, wine or liquor companies or distributors							
Trade associations							
Professional associations							
Associations of public employees or officials							
Counties, cities or towns							
Labor organizations							
Other							

RETURN TO ITEM 9

SCHEDULE H - REAL ESTATE.

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 $5,000 or more. Each parcel shall be listed individually.

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

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.

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

B. Any legislator who makes a knowing misstatement of a material fact on the Statement of Economic Interests 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.~~

Certain information regarding the offices, directorships, and paid employments of the filer and the members of his immediate family shall be reported. For each office, directorship, or paid employment, the report shall include:

1. The name and address of the business or employer;

2. The position held and by whom; and

3. The salary, wages, or other remuneration, including stipends and corporate director fees, received.

C. Certain information regarding the personal liabilities held by the filer or a member of his immediate family shall be reported. For each debt held, the report shall include:

1. The type of personal liability;

2. The name and principal business activity of the creditor; and

3. The amount of debt held.

For an individual creditor, the name and occupation of such creditor shall be reported.

D. Certain information regarding any securities owned by the filer or a member of his immediate family, directly or indirectly, together or separately, shall be reported. For purposes of disclosure, "security" shall include at least stocks, bonds, mutual funds, limited partnerships, and commodity futures contracts. For each security owned, the report shall include:

1. The type of security;

2. The name of the issuer; and

3. The value of the security owned.

E. Certain information regarding any business owned by the filer or a member of his immediate family or any business in which the filer or a member of his immediate family has a controlling ownership interest shall be reported. For purposes of disclosure, "business" shall include at least corporations, partnerships, sole proprietorships, firms, enterprises, franchises, associations, trusts or foundations, or any other individual or entity carrying on a business or profession, whether or not for profit. For each such business, the report shall include:

1. The name of the business;

2. The nature of the business;

3. The county or city and the state where the business is located, unless it is a rental property, in which case, the physical address; and

4. The total income earned from the business.

F. Certain information regarding representation before governmental agencies by the filer or a person with whom the filer has a close financial association shall be reported. For each instance of representation, the report shall include:

1. The name and type of the business represented by the filer or the person with whom the filer has a close financial association;

2. The purpose of the representation;

3. The name of the agency before which the filer, or the person with whom the filer has a close financial association, appeared; and

4. The amount received for the representation.

G. Certain information regarding real estate in which the filer or a member of his immediate family holds an interest, including a partnership interest, options, easement, or land contract, shall be reported. For each parcel, the report shall include:

1. Whether or not it is the principal residence of the filer or the member of his immediate family;

2. The physical address;

3. The type of real estate;

4. The name in which the parcel is owned or recorded, and the names of any other persons in whose name the parcel is owned or recorded; and

5. Information regarding any contract with a governmental agency for the sale or exchange of the real estate.

H. Certain information regarding payments or reimbursements received by the filer for his attendance or participation at meetings, conferences, or other events, where he attended or participated in his official capacity, shall be reported. For each payment, the report shall include:

1. The person or entity paying or reimbursing the filer;

2. The date and location of the meeting, conference, or other event;
3. The purpose of the meeting, conference, or other event;
4. The type of payment or reimbursement received; and
5. The approximate value of the payment or reimbursement received.

I. Certain information regarding gifts accepted or received by the filer or a member of his immediate family shall be reported. Only gifts with a value in excess of $25 shall be reported. A gift for which the filer reimburses the person giving the gift for the full value of the gift does not need to be reported. For each gift, the report shall include:
1. The name of the recipient;
2. The individual or entity providing the gift;
3. The exact gift; and
4. The value of the gift.

J. Certain information regarding travel shall be reported. For each trip, the report shall include:
1. The date and destination of the trip;
2. The purpose of the travel; and
3. An itemized accounting of all expenses related to the trip. For each expense, the report shall include:
a. The person or entity paying for the expense;
b. The type of expense;
c. The amount of the expense; and
d. The date the expense was received.

K. Attendance at orientation sessions required by § 30-129.1 shall be reported. Such report shall include the date of the most recent session attended.

§ 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~~ *30-356.1*, and the opinion was made after his full disclosure of the facts.

§ 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.

§ 30-129.1. Orientation sessions on ethics and conflicts of interests.

The ~~Virginia Conflict of Interest and Ethics Advisory~~ Council shall conduct an orientation session (i) for new and returning General Assembly members preceding each even-numbered year regular session and (ii) for any new General Assembly member who is elected in a special election and whose term commences after the date of the orientation session provided for in clause (i) and at least six months before the date of the next such orientation session within three months of his election. Attendance at the full orientation session shall be mandatory for newly elected members. Attendance at a refresher session lasting at least two hours shall be mandatory for returning members and may be accomplished by online participation. There shall be no penalty for the failure of a member to attend the full or refresher orientation session, but the member must disclose his attendance pursuant to *subsection K of* § 30-111.

§ 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 ~~15~~ *10* 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~~

INTRODUCED

SB1424

~~shall be nonlegislative citizen members~~ *retired judge*; ~~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~~ *retired judge*; *and* four members appointed by the Governor, two 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 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 from a list of three nominees submitted by the Virginia Municipal League~~. 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. *No member of the Council may be removed from his term except for cause.*

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~~ *a per diem of $100*. Funding for expenses of the members shall be provided from existing appropriations to the Council.

§ 30-356. Disclosure forms.

A. The Council shall~~:~~ *designate the forms required for complying with the disclosure requirements of Article 3 and the Acts. The Council may amend the forms as it deems necessary, but in no case shall the forms require less information than that which is required to be reported by Article 3 or the Acts. These forms shall be the only forms used in complying with the provisions of Article 3 and the Acts. The Council shall make available on its website the disclosure forms and shall provide guidance and other instructions to assist in the completion of the forms.*

~~1. Review~~ *B. The Council shall 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 review all disclosure forms for completeness, which shall include 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 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.*

~~2. Accept any disclosure forms by computer or electronic means in accordance with the standards approved by the Council and using software meeting standards approved by it.~~ *C.* The Council shall *require all disclosure forms be filed electronically and it shall* provide software *or electronic access for filing the required disclosure forms* to *all* filers without charge ~~and may~~. *It 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.~~ *D.* Beginning July 1, 2015, *the Council shall* establish and maintain a searchable electronic database comprising disclosure forms *properly* 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. 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 to any person or to any agency of state or local government, in an expeditious manner. Informal advice given by the Council 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. 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. 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. Publish such educational materials as it deems appropriate on the provisions of Article 3 and the Acts;~~

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

~~9. 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~~

~~10. 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. Advisory opinions.

A. Upon the request of any person subject to the requirements of Article 3 or the Acts, the Council shall furnish informal advice or formal advisory opinions or guidance with respect to ethics, conflicts issues, or such person's duties under Article 3 or the Acts.

B. Formal advisory opinions are public record and shall be published on the Council's website. Published formal advisory opinions may have such deletions and changes as may be necessary to protect the identity of the person involved. The informal advice given by the Council is confidential and excluded from the provisions of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.).

C. No person shall be prosecuted, assessed a civil penalty, or otherwise disciplined for a violation of Article 3 or the Acts if the alleged violation resulted from his good faith reliance on a formal advisory opinion issued under this section and the opinion was issued after his full disclosure of the material facts.

§ 30-356.2. Waivers for travel and certain prohibited gifts.

A. The Council shall receive, review, and approve or deny requests for waivers submitted by persons required to file the disclosure form prescribed in § 2.2-3117 or 30-111 to accept any transportation, lodging, meal, hospitality, or other travel-related thing of value provided by a third party that exceeds the limitation prescribed in § 2.2-3103.1 or 30-103.1. A waiver shall not be required for acceptance of travel paid for or provided by the government of the United States, any of its territories, or another state in the United States or the political subdivision of such other state.

B. The Council shall receive, review, and approve or deny requests for waivers submitted by persons required to file the disclosure form prescribed in § 2.2-3117 or 30-111 to accept any gift or combination of gifts provided by a personal friend that exceeds the limitation prescribed in § 2.2-3103.1 or 30-111.

C. Within seven days of receipt of a request for a waiver, the Council shall approve or deny the waiver, unless additional information has been requested. If additional information has been requested, the Council shall approve or deny the waiver within seven days of receipt of such information. When reviewing the request for a waiver, the Council shall consider the purpose of the travel as it relates to the official duties of the requester. The Council may approve the waiver in whole or in part, which may include limiting the duration of the trip. Within 10 days of approving a request for a waiver, the Council shall post the waiver on its website.

D. A request for a waiver pursuant to subsection A or B shall be on a form prescribed by the Council and made available on its website.

1. The request required by subsection A shall include specific information regarding the travel, including a detailed agenda and estimated costs. All information included in the request will be subject to public disclosure.

2. The request required by subsection B shall include specific information regarding the nature and length of friendship. This request shall be required for gifts provided to the spouse and dependent children of those persons required to file the disclosure form prescribed in §§ 2.2-3117 and 30-111.

E. No person shall be prosecuted, assessed a civil penalty, or otherwise disciplined for acceptance of a gift or travel-related thing of value if he accepted such gift or travel-related thing of value after receiving a waiver under this section and the waiver was granted after his full disclosure of the material facts.

F. The Council shall provide instructions for completing and submitting a request. It shall prescribe the procedures for receiving and reviewing requests for waivers and the standards for approving or denying waivers.

§ 30-356.3. Audits.

The Council shall conduct a semiannual audit of a random sample of the disclosure forms filed pursuant to Article 3 and the Acts. This audit shall be performed by the Council in accordance with generally accepted auditing standards and shall review each disclosure form to determine (i) compliance with applicable disclosure requirements, (ii) compliance with applicable limitations on gifts, (iii) the accuracy of the information disclosed, and (iv) whether filing deadlines were met.

§ 30-356.4. Other powers and duties; report.

The Council shall:

1. Conduct training seminars and educational programs for lobbyists, state and local government officers and employees, 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;

2. 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;

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

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

5. 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

6. 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.

§ 30-357. 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 *through 30-356.4. The Council shall employ an executive director. The executive director shall be responsible for the administrative operations of the Council and shall perform other duties as may be delegated or assigned to him by the Council. The executive director shall hire such legal and administrative staff as he determines to be sufficient for carrying out the responsibilities of the Council.*

§ 30-358. Cooperation of agencies of state and local government.

Every department, division, board, bureau, commission, authority, or political subdivision of the Commonwealth shall cooperate with, and provide such assistance to, the Council as the Council may request.

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