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SENATE BILL NO. 1424

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on Rules
on February 6, 2015)

(Patrons Prior to Substitute—Senators Norment, Petersen and Stuart [SB 696], Marsden [SB 735], Watkins [SBs 752 and 812], Edwards [SB 1267], Wexton [SB 1278], and Ebbin [SB 1289])

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 through 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, 30-355, 30-356, and 30-357 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 the State and Local Government Conflict of Interests Act, General Assembly Conflicts of Interests Act, and Virginia Conflict of Interest and Ethics Advisory Council; ethics reforms.*

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 through 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, 30-355, 30-356, and 30-357 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding sections numbered 30-356.1 through 30-356.4 as follows:

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

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

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

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

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

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

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

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

Beginning with the five fiscal years from fiscal year 2006-2007 through fiscal year 2010-2011, and for every five fiscal years' period thereafter, in general, no less than one-third of the moneys appropriated to the Fund in every such five-year period shall be awarded to counties and cities having an annual average unemployment rate that is greater than the final statewide average unemployment rate for the calendar year that immediately precedes the calendar year of the award. However, if such

one-third requirement will not be met because economic development prospects in such counties and cities are unable to fulfill the applicable minimum private investment and new jobs requirements set forth in this section, then any funds remaining in the Fund at the end of the five-year period that would have otherwise been awarded to such counties and cities shall be made available for awards in the next five fiscal years' period.

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

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

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

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

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

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

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

F. 1. The Virginia Economic Development Partnership shall assist the Governor in developing objective guidelines and criteria that shall be used in awarding grants or making loans from the Fund. The guidelines may require that as a condition of receiving any grant or loan incentive that is based on employment goals, a recipient company must provide copies of employer quarterly payroll reports that have been provided to the Virginia Employment Commission to verify the employment status of any

position included in the employment goal. The guidelines may include a requirement for the affected locality or localities to provide matching funds which may be cash or in-kind, at the discretion of the Governor. The guidelines and criteria shall include provisions for geographic diversity and a cap on the amount of funds to be provided to any individual project. At the discretion of the Governor, this cap may be waived for qualifying projects of regional or statewide interest. In developing the guidelines and criteria, the Virginia Economic Development Partnership shall use the measure for Fiscal Stress published by the Commission on Local Government of the Department of Housing and Community Development for the locality in which the project is located or will be located as one method of determining the amount of assistance a locality shall receive from the Fund.

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

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

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

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

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

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

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

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

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

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

202 *I. No person or entity that is seeking to become a business beneficiary of funds from the Fund and*
203 *no individual who is an officer, director, or employee of such entity shall knowingly provide a*
204 *contribution, gift, or other item with a value greater than \$50 or make an express or implied promise to*
205 *make such a contribution or gift to the Governor, or to his campaign committee or a political action*
206 *committee established on his behalf, while seeking such funds and for a period of one year following the*
207 *date the grant or loan sought is awarded. The provisions of this subsection shall apply only for any*
208 *grant or loan where the stated or expected value of the grant or loan is \$100,000 or more. Any person*
209 *who knowingly violates this section shall be subject to a civil penalty of \$500 or up to two times the*
210 *amount of the contribution or gift, whichever is greater, and the contribution, gift, or other item shall be*
211 *returned to the donor. The attorney for the Commonwealth shall initiate civil proceedings to enforce the*
212 *civil penalties. Any civil penalties collected shall be payable to the State Treasurer for deposit to the*
213 *general fund and used exclusively to fund the Virginia Conflict of Interest and Ethics Advisory Council.*

214 **§ 2.2-419. Definitions.**

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

216 "Anything of value" means:

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

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

241 "Compensation" means:

- 242 1. An advance, conveyance, forgiveness of indebtedness, deposit, distribution, loan, payment, gift,
243 pledge, or transfer of money or anything of value; or
- 244 2. A contract, agreement, promise or other obligation for an advance, conveyance, forgiveness of

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

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

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

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

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

"Executive official" means:

1. The Governor;
2. The Lieutenant Governor;
3. The Attorney General;
4. Any officer or employee of the office of the Governor or, Lieutenant Governor, or Attorney General other than a clerical or secretarial employee;

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

5. A gift made to a nonpartisan state, regional, national, or international legislative organization, or an affiliated organization of such organization, of which the General Assembly or a legislative official is a member due to his official position or employment.

"Immediate family" means (i) the spouse and (ii) any child who resides in the same household as the

306 executive or legislative official and who is a dependent of the official.

307 "Legislative action" means:

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

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

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

316 "Legislative official" means:

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

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

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

322 "Lobbying" means:

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

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

326 "Lobbying" does not mean:

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

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

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

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

334 "Lobbyist" means:

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

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

340 3. A local government employee who lobbies.

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

346 "Local government" means:

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

348 2. Any school division;

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

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

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

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

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

360 "Secretary" means the Secretary of the Commonwealth.

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

364 **§ 2.2-424. Registration fees.**

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

§ 2.2-426. Lobbyist reporting; penalty.

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

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

C. The report shall be on a form ~~provided 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 6 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)

425 [] NOT COMPENSATED (not compensated; expenses may be reimbursed)
426 (3) List all lobbyists other than yourself who registered to
427 represent your principal.

428 _____
429 _____
430 _____

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

433 _____

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

439 (5a) What was the DOLLAR AMOUNT OF YOUR COMPENSATION as a lobbyist?

440 (If you have job responsibilities other than those involving
441 lobbying, you may have to prorate to determine the part of your
442 salary attributable to your lobbying activities.) Transfer your
443 answer to this item to Part I, item 6e.

444 (5b) Explain how you arrived at your answer to Part II, item 5a.

445 _____
446 _____
447 _____

448 PART III:

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

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

454 _____
455 _____
456 _____

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

460 SCHEDULE A

461 ENTERTAINMENT EXPENSES

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

466 Date and Location of Event:

467 _____
468 _____

469 Description of Event:

470 _____
471 _____

472 Total Number of Persons Attending:

473

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

477 _____
478 _____

479 _____
480 _____

481 Food \$ _____

482 Beverages \$ _____
 483 Transportation of Legislative and Executive Officials
 484 or Members of Their Immediate Families \$ _____
 485 Lodging of Legislative and Executive Officials or
 486 Members of Their Immediate Families \$ _____
 487 Performers, Speakers, Etc. \$ _____
 488 Displays \$ _____
 489 Rentals \$ _____
 490 Service Personnel \$ _____
 491 Miscellaneous \$ _____
 492 TOTAL \$ _____

SCHEDULE B

GIFTS

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

		Name of each	
		legislative or	
		executive official	
		or member of his	
		immediate family	Cost of
Date	Description	who is a recipient	individual
of gift:	of gift:	of a gift:	gift:
500	_____	_____	\$ _____
501	_____	_____	\$ _____
502	_____	_____	\$ _____
503	_____	_____	\$ _____
504	_____	_____	\$ _____
505	_____	_____	\$ _____
506	_____	_____	\$ _____
507	_____	_____	\$ _____
508	_____	_____	\$ _____
509	_____	_____	\$ _____
510	_____	_____	\$ _____
511	TOTAL COST TO PRINCIPAL		\$ _____

SCHEDULE C

OTHER EXPENSES

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

DATE OF EXPENSE	DESCRIPTION OF EXPENSE	AMOUNT
520	_____	\$ _____
521	_____	\$ _____
522	_____	\$ _____
523	_____	\$ _____
524	_____	\$ _____
525	_____	\$ _____
526	_____	\$ _____
527	_____	\$ _____
528	_____	\$ _____
529	TOTAL "OTHER" EXPENSES	\$ _____

PART IV: STATEMENTS

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

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

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

540 ~~STATEMENT OF LOBBYIST~~

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

545 _____
 546 _____ Signature of lobbyist

547 _____
 548 _____ Date

549 ~~STATEMENT OF PRINCIPAL~~

550 ~~I, the undersigned principal (or an authorized official thereof), do~~
 551 ~~state that the information furnished on this disclosure statement~~
 552 ~~and on all accompanying attachments required to be made thereto is,~~
 553 ~~to the best of my knowledge and belief, complete and accurate.~~

554 _____
 555 _____ Signature of principal

556 _____
 557 _____ Date

558 ~~D. A person who signs the disclosure statement knowing it to contain a material misstatement of fact~~
 559 ~~is guilty of a Class 5 felony. Certain information regarding the principal and the lobbyist shall be~~
 560 ~~reported. Such report shall include:~~

- 561 ~~1. The name and contact information of the lobbyist;~~
 562 ~~2. The name and contact information of each principal for whom the lobbyist or the firm,~~
 563 ~~organization, association, corporation, or other entity employing the lobbyist provided lobbying services;~~
 564 ~~3. The total amount paid by each principal to the lobbyist or the firm, organization, association,~~
 565 ~~corporation, or other entity employing the lobbyist for services rendered; and~~
 566 ~~4. A list of executive and legislative actions for which the lobbyist lobbied on behalf of each~~
 567 ~~principal and a description of activities conducted.~~

568 ~~E. Certain information regarding entertainment expenses shall be reported. For each entertainment~~
 569 ~~event with a value exceeding \$50, such report shall include:~~

- 570 ~~1. The date and location of the event;~~
 571 ~~2. A description of the event;~~
 572 ~~3. The total number of persons in attendance, if such number is ascertainable; and~~
 573 ~~4. The total amount of the expenses of the event. Such expenses shall include food, beverages,~~
 574 ~~rentals, performers or speakers, service personnel, the transportation of legislative and executive~~
 575 ~~officials and members of their immediate families, the lodging of legislative and executive officials and~~
 576 ~~members of their immediate families, and any miscellaneous items.~~

577 ~~F. Certain information regarding gifts shall be reported. Only gifts with a value exceeding \$50 shall~~
 578 ~~be reported. For each gift provided to a legislative or executive official or a member of his immediate~~
 579 ~~family, such report shall include:~~

- 580 ~~1. The date of the gift;~~
 581 ~~2. The name of the recipient or recipients;~~
 582 ~~3. The exact gift; and~~
 583 ~~4. The value of the gift.~~

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

586 ~~H. Each lobbyist shall send to each legislative and executive official who is required to be identified~~
 587 ~~by name on Schedule A or B of the gift or entertainment reports of the Lobbyist's Disclosure Form a~~
 588 ~~copy of Schedule A or B the report or a summary of the information pertaining to that official. Copies~~
 589 ~~or summaries shall be provided to the official by November 21 for the preceding six-month period~~
 590 ~~complete through the last day of October and by May 21 for the preceding six-month period complete~~
 591 ~~through the last day of April.~~

592 **§ 2.2-430. Termination.**

593 ~~A lobbyist may terminate a lobbyist registration at any time by filing a report required under~~
 594 ~~§ 2.2-426 including information through the last day of lobbying activity. A termination report shall~~
 595 ~~indicate that the lobbyist intends to use the report as the final accounting of lobbying activity and shall~~
 596 ~~include the effective date of the termination.~~

597 **§ 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 and shall be used exclusively to fund the Council.

§ 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-subsidary relationship, that exists when (i) one business entity has a controlling ownership interest in the other business entity, (ii) a controlling owner in one entity is also a controlling owner in the other entity, or (iii) there is shared management or control between the business entities. Factors that may be considered in determining the existence of an affiliated business entity relationship include that the same person or substantially the same person owns or manages the two entities, there are common or commingled funds or assets, the business entities share the use of the same offices or employees, or otherwise share activities, resources or personnel on a regular basis, or there is otherwise a close working relationship between the entities.

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

"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

659 Commonwealth, or some political subdivision thereof. "Contract" includes a subcontract only when the
660 contract of which it is a part is with the officer's or employee's own governmental agency.

661 "Council" means the Virginia Conflict of Interest and Ethics Advisory Council established in
662 § 30-355.

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

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

669 "Gift" means any gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item
670 having monetary value. It includes services as well as gifts of transportation, local travel, lodgings and
671 meals, whether provided in-kind, *or* by purchase of a ticket, payment in advance, or reimbursement after
672 the expense has been incurred. "Gift" does not include (i) any offer of a ticket, coupon, or other
673 admission or pass unless the ticket, coupon, admission, or pass is used; (ii) *food or beverages consumed*
674 *while attending an event at which the filer is performing official duties related to his public service*; (iii)
675 honorary degrees; ~~(iii)~~ (iv) any athletic, merit, or need-based scholarship or any other financial aid
676 awarded by a public or private school, institution of higher education, or other educational program
677 pursuant to such school, institution, or program's financial aid standards and procedures applicable to the
678 general public; ~~(iv)~~ (v) *unsolicited, personally inscribed awards of appreciation or recognition in the*
679 *form of a plaque, trophy, wall memento, or similar item that is given in recognition of public, civic,*
680 *charitable, or professional service*; (vi) a campaign contribution properly received and reported pursuant
681 to Chapter 9.3 (§ 24.2-945 et seq.) of Title 24.2; ~~(v)~~ (vii) any gift *given by a business associate or*
682 *otherwise* related to the private profession or occupation of an officer or employee or of a member of
683 his immediate family; or ~~(vi)~~ (viii) gifts from relatives or *personal friends received at personal*
684 *celebrations*. For the purpose of this definition, "relative" means the donee's spouse, child, uncle, aunt,
685 niece, or nephew; a person to whom the donee is engaged to be married; the donee's or his spouse's
686 parent, grandparent, grandchild, brother, or sister; or the donee's brother's or sister's spouse. ~~For the~~
687 ~~purpose of this definition, "personal friend" does not include any person that the filer knows or has~~
688 ~~reason to know is (a) a lobbyist registered pursuant to Article 3 (§ 2.2-418 et seq.) of Chapter 4 of Title~~
689 ~~2.2; (b) a lobbyist's principal as defined in § 2.2-419; (c) for an officer or employee of a local~~
690 ~~governmental or advisory agency, a person, organization, or business who is a party to or is seeking to~~
691 ~~become a party to a contract with the local agency of which he is an officer or an employee; or (d) for~~
692 ~~an officer or employee of a state governmental or advisory agency, a person, organization, or business~~
693 ~~who is a party to or is seeking to become a party to a contract with the Commonwealth. For purposes of~~
694 ~~this definition, "person, organization, or business" includes individuals who are officers, directors, or~~
695 ~~owners of or who have a controlling ownership interest in such organization or business.~~

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

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

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

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

708 "*Personal celebration*" means a social occasion attended by or held for relatives and personal
709 friends or an event of a religious nature.

710 "Personal interest" means a financial benefit or liability accruing to an officer or employee or to a
711 member of his immediate family. Such interest shall exist by reason of (i) ownership in a business if the
712 ownership interest exceeds three percent of the total equity of the business; (ii) annual income that
713 exceeds, or may reasonably be anticipated to exceed, \$5,000 from ownership in real or personal property
714 or a business; (iii) salary, other compensation, fringe benefits, or benefits from the use of property, or
715 any combination thereof, paid or provided by a business or governmental agency that exceeds, or may
716 reasonably be anticipated to exceed, \$5,000 annually; (iv) ownership of real or personal property if the
717 interest exceeds \$5,000 in value and excluding ownership in a business, income, or salary, other
718 compensation, fringe benefits or benefits from the use of property; (v) personal liability incurred or
719 assumed on behalf of a business if the liability exceeds three percent of the asset value of the business;
720 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 gift of travel with a value exceeding \$100 from a third party prior to submitting to the Council a request for a waiver to accept such gift of travel and receiving such a waiver pursuant to § 30-356.2. Gifts of travel include transportation, lodging, meals, hospitality, and any other travel-related thing of value.

§ 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 or a combination of tangible gifts with an aggregate value in excess of \$250 from any person that he knows or has reason to know is (a) a lobbyist registered pursuant to Article 3 (§ 2.2-418 et seq.) of Chapter 4; (b) a lobbyist's principal as defined in § 2.2-419; or (c) a person, organization, or business who is a party to or is seeking to become a party to a contract with the local agency of which he is an officer or an employee; (ii) shall report any tangible gift with a value of \$250 or less or any intangible gift received from any person listed in clause (i) on Schedule E of such disclosure form; and (iii) shall report any payments for talks, meetings, and publications on Schedule D of such disclosure form. Gifts received from business associates, 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 an event for which there is a reasonable expectation that at least 25 persons will attend the event and the event is open to individuals from a particular industry or profession or who represent persons interested in a particular issue.

C. Food and beverages received at or registration or attendance fees waived for any event at which the officer, employee, or candidate is a featured speaker, presenter, or lecturer shall not be subject to the provisions of subsection A.

D. 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. 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. E. 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. "candidate" means a person who seeks or campaigns for an office of the Commonwealth or one of its governmental units in a general, primary, or special election and who is qualified to have his name placed on the ballot for the office. The candidate shall become subject to the provisions of this section upon the filing of a statement of organization pursuant to § 24.2-947.1. The State Board of Elections or the local electoral board, as appropriate, shall notify each such candidate of the provisions of this section.

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

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

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

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

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

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

A. Neither the Governor, his political action committee, or the Governor's Secretaries, if the Secretary is responsible to the Governor for an executive branch agency with jurisdiction over the matters at issue, shall knowingly solicit or accept a contribution, gift, or other item with a value greater than \$50 from any bidder, offeror, or private entity, or from an officer or director of such bidder, offeror, or private entity, who has submitted a bid or proposal to an executive branch agency that is directly responsible to the Governor pursuant to the Virginia Public Procurement Act (§ 2.2-4300 et seq.), the Public-Private Transportation Act of 1995 (§ 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 Commonwealth's Development Opportunity Fund while the person or entity is seeking such funds and for a period of one year following the date the grant or loan sought is awarded.*

C. The provisions of this section shall apply only for public contracts, proposals, or comprehensive agreements where the stated or expected value of the contract is \$5 million or more or for grants or loans from the Commonwealth's Development Opportunity Fund where the value of the grant or loan is \$100,000 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.

D. Any person who knowingly violates this section shall be subject to a civil penalty of \$500 or

up to two times the amount of the contribution or gift, whichever is greater, *and the contribution, gift, or other item shall be returned to the donor.* The attorney for the Commonwealth shall initiate civil proceedings to enforce the civil penalties. Any civil penalties collected shall be payable to the State Treasurer for deposit to the general fund *and shall be used exclusively to fund the Council.*

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

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

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

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

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

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

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

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

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

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

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

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

each contract was executed and its term, the subject of each contractual arrangement, the nature of the conflict of interest, the institution's or the Eastern Virginia Medical School's employee responsible for administering each contract, the details of the institution's or the Eastern Virginia Medical School's commitment or investment of resources or finances for each contract, and any other information requested by the Secretary of the Commonwealth; or

9. Subject to approval by the relevant board of visitors, an employee's personal interest in a contract between a public institution of higher education in Virginia or the Eastern Virginia Medical School and a business in which the employee has a personal interest, if (i) the personal interest has been disclosed to the institution or the Eastern Virginia Medical School prior to the time the contract is entered into; (ii) the employee files a disclosure statement pursuant to § 2.2-3117 and thereafter annually on or before January ~~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

1028 of the Board of Trustees of the Virginia Retirement System, and the Virginia Lottery Board, shall file
 1029 with the Council, as a condition to assuming office, a disclosure form of their personal interests and
 1030 such other information as is specified on the form set forth in § 2.2-3118 and thereafter shall file such
 1031 form annually on or before December 15. When the filing deadline falls on a Saturday, Sunday, or legal
 1032 holiday, the disclosure statement shall be filed on the next day that is not a Saturday, Sunday, or legal
 1033 holiday. Nonsalaried citizen members of other boards, commissions, and councils, including advisory
 1034 boards and authorities, may be required to file a disclosure form if so designated by the Governor, in
 1035 which case the form shall be that set forth in § 2.2-3118.

1036 C. The disclosure forms required by subsections A and B shall be ~~provided~~ *made available* by the
 1037 Council to each officer and employee so designated, including officers appointed by legislative
 1038 authorities at least 30 days prior to the filing deadline. Disclosure forms shall be filed ~~and electronically~~
 1039 *with the Council in accordance with the standards approved by it pursuant to § 30-356. All forms shall*
 1040 *be maintained as public records for five years in the office of the Council.*

1041 D. Candidates for the offices of Governor, Lieutenant Governor or Attorney General shall file a
 1042 disclosure statement of their personal interests as required by § 24.2-502.

1043 E. Any officer or employee of state government who has a personal interest in any transaction before
 1044 the governmental or advisory agency of which he is an officer or employee and who is disqualified
 1045 from participating in that transaction pursuant to subdivision A 1 of § 2.2-3112, or otherwise elects to
 1046 disqualify himself, shall forthwith make disclosure of the existence of his interest, including the full
 1047 name and address of the business and the address or parcel number for the real estate if the interest
 1048 involves a business or real estate, and his disclosure shall also be reflected in the public records of the
 1049 agency for five years in the office of the administrative head of the officer's or employee's governmental
 1050 agency or advisory agency or, if the agency has a clerk, in the clerk's office.

1051 F. An officer or employee of state government who is required to declare his interest pursuant to
 1052 subdivision A 2 of § 2.2-3112, shall declare his interest by stating (i) the transaction involved, (ii) the
 1053 nature of the officer's or employee's personal interest affected by the transaction, (iii) that he is a
 1054 member of a business, profession, occupation, or group the members of which are affected by the
 1055 transaction, and (iv) that he is able to participate in the transaction fairly, objectively, and in the public
 1056 interest. The officer or employee shall either make his declaration orally to be recorded in written
 1057 minutes for his agency or file a signed written declaration with the clerk or administrative head of his
 1058 governmental or advisory agency, as appropriate, who shall, in either case, retain and make available for
 1059 public inspection such declaration for a period of five years from the date of recording or receipt. If
 1060 reasonable time is not available to comply with the provisions of this subsection prior to participation in
 1061 the transaction, the officer or employee shall prepare and file the required declaration by the end of the
 1062 next business day.

1063 G. An officer or employee of state government who is required to declare his interest pursuant to
 1064 subdivision A 3 of § 2.2-3112, shall declare his interest by stating (i) the transaction involved, (ii) that a
 1065 party to the transaction is a client of his firm, (iii) that he does not personally represent or provide
 1066 services to the client, and (iv) that he is able to participate in the transaction fairly, objectively, and in
 1067 the public interest. The officer or employee shall either make his declaration orally to be recorded in
 1068 written minutes for his agency or file a signed written declaration with the clerk or administrative head
 1069 of his governmental or advisory agency, as appropriate, who shall, in either case, retain and make
 1070 available for public inspection such declaration for a period of five years from the date of recording or
 1071 receipt. If reasonable time is not available to comply with the provisions of this subsection prior to
 1072 participation in the transaction, the officer or employee shall prepare and file the required declaration by
 1073 the end of the next business day.

1074 *H. Notwithstanding any other provision of law, chairs or deans of departments at a public institution*
 1075 *of higher education in the Commonwealth shall not be required to file the disclosure form prescribed by*
 1076 *§ 2.2-3117 or 2.2-3118.*

1077 **§ 2.2-3114.1. Filings of statements of economic interests by General Assembly members.**

1078 The filing of a current statement of economic interests by a General Assembly member,
 1079 member-elect, or candidate for the General Assembly pursuant to §§ 30-110 and 30-111 of the General
 1080 Assembly Conflicts of Interests Act (§ 30-100 et seq.) shall suffice for the purposes of this chapter
 1081 (~~§ 2.2-3100 et seq.~~). The Secretary of the Commonwealth may obtain from the ~~Clerk of the House of~~
 1082 ~~Delegates or the Senate, as appropriate,~~ *Council* a copy of the statement of a General Assembly member
 1083 who is appointed to a position for which a statement is required pursuant to § 2.2-3114. No General
 1084 Assembly member, member-elect, or candidate shall be required to file a separate statement of economic
 1085 interests for the purposes of § 2.2-3114.

1086 **§ 2.2-3115. Disclosure by local government officers and employees.**

1087 A. The members of every governing body and school board of each county and city and of towns
 1088 with populations in excess of 3,500 shall file with the Council, as a condition to assuming office or
 1089 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 disclosure form 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 6 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	Check one
appropriate	\$5,001 to More than
categories	\$50,000 \$50,000
Banks	
Savings institutions	
Other loan or finance companies	
Insurance companies	
Stock, commodity or other brokerage companies	
Other businesses:	

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	Check one
appropriate	\$5,001 to More than
categories	\$50,000 \$50,000
Banks	
Savings institutions	
Other loan or finance companies	

Banks

Savings institutions

Other loan or finance companies

SENATE SUBSTITUTE

SB1424S1

1393 Insurance companies _____
 1394 Stock, commodity or other brokerage companies _____
 1395 Other businesses: _____
 1396 (State principal business activity for each
 1397 creditor and its name.) _____
 1398 _____
 1399 _____
 1400 _____

1401 Individual creditors: _____
 1402 (State principal business or occupation of
 1403 each creditor and its name.) _____
 1404 _____
 1405 _____
 1406 _____
 1407 _____

1408 RETURN TO ITEM 3

1409 SCHEDULE C - SECURITIES.

1410 "Securities" INCLUDES stocks, bonds, mutual funds, limited partnerships, and commodity futures
 1411 contracts.

1412 "Securities" EXCLUDES certificates of deposit, money market funds, annuity contracts, and
 1413 insurance policies.

1414 Identify each business or Virginia governmental entity in which you or a member of your immediate
 1415 family, directly or indirectly, separately or together, own securities valued in excess of \$5,000. Name
 1416 each issuer and type of security individually.

1417 Do not list U.S. Bonds or other government securities not issued by the Commonwealth of Virginia
 1418 or its authorities, agencies, or local governments. Do not list organizations that do not do business in
 1419 this Commonwealth, but most major businesses conduct business in Virginia. Account for securities held
 1420 in trust.

1421 If no reportable securities, check here ☐ ☐.

	Type of Security	\$5,001	\$50,001	More
	(stocks, bonds, mutual	to	to	than
	funds, etc.)	\$50,000	\$250,000	\$250,000
1422	_____	_____	_____	_____
1423	_____	_____	_____	_____
1424	_____	_____	_____	_____
1425	_____	_____	_____	_____
1426	_____	_____	_____	_____
1427	_____	_____	_____	_____
1428	_____	_____	_____	_____
1429	_____	_____	_____	_____
1430	_____	_____	_____	_____
1431	_____	_____	_____	_____

1432 RETURN TO ITEM 4

1433 SCHEDULE D - PAYMENTS FOR TALKS, MEETINGS, AND PUBLICATIONS.

1434 List each source from which you received during the past six months in your capacity as an officer
 1435 or employee of your agency lodging, transportation, money, or any other thing of value with combined
 1436 value exceeding \$200 (i) for your presentation of a single talk, participation in one meeting, or
 1437 publication of a work or (ii) for your attendance at a meeting, conference, or event where your
 1438 attendance at the meeting, conference, or event was designed to (a) educate you on issues relevant to
 1439 your duties as an officer or employee of your agency or (b) enhance your knowledge and skills relative
 1440 to your duties as an officer or employee of your agency. Any lodging, transportation, money, or other
 1441 thing of value received by an officer or employee that does not satisfy the provisions of clause (i), (ii)
 1442 (a), or (ii) (b) shall be listed as a gift on Schedule E.

1443 List payments or reimbursements by an advisory or governmental agency only for meetings or travel
 1444 outside the Commonwealth.

1445 List a payment even if you donated it to charity.

1446 Do not list information about a payment if you returned it within 60 days or if you received it from
 1447 an employer already listed under Item 6 or from a source of income listed on Schedule F.

1448 If no payment must be listed, check here ☐ ☐.

	Type of payment
	(e.g. honoraria,
1449	_____
1450	_____
1451	_____

travel reimburse-
ment, etc.)

Payer Approximate Value Circumstances

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; Rental Property	City or County and State	Nature of Enterprise (farming, law, rental property, etc.)	Gross Income \$50,001 or less	\$50,000 to \$250,000	More than \$250,000

RETURN TO ITEM 8

SCHEDULE G-1 - PAYMENTS FOR REPRESENTATION BY YOU.

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

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

1511 Only STATE officers and employees should complete this Schedule.

1512	Pur-		Amount Received	
1513	pose			
1514	Name	Type of	Name	
1515	of	of	Repre-	of
1516	\$1,001	\$10,001	\$50,001	\$100,001
1517	\$250,001			
1518	to	to	to	to
1519	and			
1520	\$10,000	\$50,000	\$100,000	\$250,000
1521	over			
1522				
1523				

1524 If you have received \$250,001 or more from a single business within the reporting period, indicate
1525 the amount received, rounded to the nearest \$10,000.

1526 Amount Received: _____.

1527 SCHEDULE G-2 - PAYMENTS FOR REPRESENTATION BY ASSOCIATES.

1528 List the businesses that have been represented, excluding activity defined as lobbying in § 2.2-419,
1529 before any state governmental agency, excluding any court or judge, by persons who are your partners,
1530 associates or others with whom you have a close financial association and who received total
1531 compensation in excess of \$1,000 for such representation during the past six months, excluding
1532 representation consisting solely of the filing of mandatory papers and subsequent representation
1533 regarding the mandatory papers filed by your partners, associates or others with whom you have a close
1534 financial association.

1535 Identify such businesses by type and also name the state governmental agencies before which such
1536 person appeared on behalf of such businesses.

1537 Only STATE officers and employees should complete this Schedule.

1538	Type of business	Name of state governmental agency
1539		
1540		
1541		
1542		
1543		
1544		

1545 SCHEDULE G-3 - PAYMENTS FOR OTHER SERVICES GENERALLY.

1546 Indicate below types of businesses that operate in Virginia to which services were furnished by you
1547 or persons with whom you have a close financial association pursuant to an agreement between you and
1548 such businesses, or between persons with whom you have a close financial association and such
1549 businesses and for which total compensation in excess of \$1,000 was received during the past six
1550 months. Services reported in this Schedule shall not include services involving the representation of
1551 businesses that are reported in Schedule G-1 or G-2.

1552 Identify opposite each category of businesses listed below (i) the type of business; (ii) the type of
1553 service rendered and (iii) the value by dollar category of the compensation received for all businesses
1554 falling within each category.

1555	Check	Value of Compensation	
1556	if Type		
1557	ser- of		
1558	vices ser-		
1559	were vice	\$1,001	\$10,001
1560	\$50,001	\$100,001	\$250,001
1561	to	to	to
1562	and		
1563	\$10,000	\$50,000	\$100,000
1564	\$250,000	over	
1563	Electric utilities		
1564	Gas utilities		
1565	Telephone utilities		
1566	Water utilities		
1567	Cable television		
1568	companies		
1569	Interstate		

- 1570 — transportation
- 1571 — companies
- 1572 Intrastate
- 1573 — transportation
- 1574 — companies
- 1575 Oil or gas retail
- 1576 — companies
- 1577 Banks
- 1578 Savings institutions
- 1579 Loan or finance
- 1580 — companies
- 1581 Manufacturing
- 1582 — companies — (state
- 1583 — type of product,
- 1584 — e.g., textile,
- 1585 — furniture, etc.)
- 1586 Mining companies
- 1587 Life insurance
- 1588 — companies
- 1589 Casualty insurance
- 1590 — companies
- 1591 Other insurance
- 1592 — companies
- 1593 Retail companies
- 1594 Beer, wine or liquor
- 1595 — companies or
- 1596 — distributors
- 1597 Trade associations
- 1598 Professional
- 1599 — associations
- 1600 Associations of
- 1601 — public employees
- 1602 — or officials
- 1603 Counties, cities
- 1604 — or towns
- 1605 Labor organizations
- 1606 Other
- 1607

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.

- 1613
- 1614 Describe the type of real
- 1615 List each location estate you own in each If the real estate is
- 1616 (state, and county location (business, recre owned or recorded in
- 1617 or city) where you ational, apartment, com a name other than your
- 1618 own real estate. mercial, open land, etc.). own, list that name.
- 1619
- 1620
- 1621
- 1622
- 1623
- 1624

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

1625

1626

1627 family holds an interest, including a partnership interest or option, easement, or land contract, valued at
 1628 more than \$5,000. Each parcel shall be listed individually. Also list the names of any co-owners of such
 1629 property, if applicable.

1630 _____
 1631 _____ Describe the type
 1632 _____ of real estate
 1633 _____ you own in
 1634 _____ each location _____ If the real estate
 1635 List each location (business, _____ is owned or rec-
 1636 (state, and county recreational, _____ orded in a name
 1637 or city) where _____ apartment, com- other than your _____ List the names
 1638 you own real _____ merical, open own, list that _____ of any co-owners,
 1639 estate. _____ land, etc.). _____ name. _____ if applicable.
 1640 _____
 1641 _____
 1642 _____
 1643 _____
 1644 _____
 1645 _____

1646 SCHEDULE I - REAL ESTATE CONTRACTS WITH GOVERNMENTAL AGENCIES.

1647 List all contracts, whether pending or completed within the past six months, with a governmental
 1648 agency for the sale or exchange of real estate in which you or a member of your immediate family
 1649 holds an interest, including a corporate, partnership or trust interest, option, easement, or land contract,
 1650 valued at more than \$10,000. List all contracts with a governmental agency for the lease of real estate in
 1651 which you or a member of your immediate family holds such an interest valued at more than \$1,000.
 1652 This requirement to disclose an interest in a lease does not apply to an interest derived through an
 1653 ownership interest in a business unless the ownership interest exceeds three percent of the total equity of
 1654 the business.

1655 State officers and employees report contracts with state agencies.

1656 Local officers and employees report contracts with local agencies.

1657 _____
 1658 List your real estate
 1659 interest and the
 1660 person or entity,
 1661 including the type
 1662 of entity, which
 1663 is party to
 1664 the contract. _____ State the annual
 1665 Describe any _____ income from the
 1666 management role and _____ List each governmental _____ contract, and the
 1667 the percentage _____ agency which is a _____ amount, if any, of
 1668 ownership _____ party to the contract _____ income you or any
 1669 interest you or your _____ and indicate the _____ immediate family
 1670 immediate family _____ county or city where _____ member derives
 1671 member has in the real _____ the real estate _____ annually from the
 1672 estate or entity. _____ is located. _____ contract.
 1673 _____
 1674 _____
 1675 _____
 1676 _____
 1677 _____
 1678 _____

1679 *B. Certain information regarding the offices, directorships, and paid employments of the filer and the*
 1680 *members of his immediate family shall be reported. For each office, directorship, or paid employment,*
 1681 *the report shall include:*

1682 1. The name and address of the business or employer;

1683 2. The position held and by whom; and

1684 3. The salary, wages, or other remuneration, including stipends and corporate director fees, received.

C. Certain information regarding any unsecured personal liabilities and any unsatisfied judgments against the filer or a member of his immediate family shall be reported. Debts of any entity established pursuant to Title 13.1 or Title 50 shall not be required to be reported. For each debt or unsatisfied judgment, the report shall include:

1. The type of personal liability or unsatisfied judgment;
2. The name and principal business activity of the creditor; and
3. The approximate amount of debt or unsatisfied judgment by selecting one of the following: \$5,001 to \$50,000 or more than \$50,000.

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 approximate value of the security owned.

When reporting the approximate value of any security owned, the filer shall select one of the following: \$5,001 to \$50,000; \$50,001 to \$250,000; or more than \$250,000.

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" includes at least corporations, limited liability 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; and
3. The county or city and the state where the business is located.

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. Unless such information is confidential by law or privileged, the report shall include for each instance of representation:

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

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 such real estate, 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 county or city and the state where the real estate is located;
3. The type of real estate;
4. The name in which the real estate 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, which he attended in his official capacity or in which he 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 \$50 shall be reported. A gift for which the filer reimburses the person giving the gift for the full value of the gift need not be reported. For each reported 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.

- 1746 *J. Certain information regarding travel shall be reported. For each trip, the report shall include:*
 1747 *1. The date and destination of the trip;*
 1748 *2. The purpose of the travel; and*
 1749 *3. An itemized accounting of all expenses related to the trip. For each expense, the report shall*
 1750 *include:*
 1751 *a. The person or entity paying for the expense;*
 1752 *b. The type of expense;*
 1753 *c. The amount of the expense; and*
 1754 *d. The date the expense was received.*

1755 **§ 2.2-3118. Disclosure form; certain citizen members.**

1756 A. The financial disclosure form to be used for filings required pursuant to subsection B of
 1757 § 2.2-3114 and subsection B of § 2.2-3115 shall be filed in accordance with the provisions of § 30-356.
 1758 The financial disclosure form shall be substantially as follows: *on a form prescribed by the Council. All*
 1759 *completed forms shall be filed electronically and in accordance with the standards approved by the*
 1760 *Council pursuant to § 30-356. The Council may specify which parts of the disclosure form are not*
 1761 *applicable to officers and employees of local governmental and local advisory agencies.*

1762 **DEFINITIONS AND EXPLANATORY MATERIAL.**

1763 "Business" means a corporation, partnership, sole proprietorship, firm, enterprise, franchise,
 1764 association, trust or foundation, or any other individual or entity carrying on a business or profession,
 1765 whether or not for profit.

1766 "Close financial association" means an association in which the person filing shares significant
 1767 financial involvement with an individual and the filer would reasonably be expected to be aware of the
 1768 individual's business activities and would have access to the necessary records either directly or through
 1769 the individual. "Close financial association" does not mean an association based on (i) the receipt of
 1770 retirement benefits or deferred compensation from a business by which the person filing this statement is
 1771 no longer employed, or (ii) the receipt of compensation for work performed by the person filing as an
 1772 independent contractor of a business that represents an entity before any state governmental agency
 1773 when the person filing has no communications with the state governmental agency.

1774 "Contingent liability" means a liability that is not presently fixed or determined, but may become
 1775 fixed or determined in the future with the occurrence of some certain event.

1776 "Immediate family" means (i) a spouse and (ii) any child who resides in the same household as the
 1777 filer and who is a dependent of the filer.

1778 "Personal interest" means, for the purposes of this form only, a personal and financial benefit or
 1779 liability accruing to a filer or a member of his immediate family. Such interest shall exist by reason of
 1780 (i) ownership in real or personal property, tangible or intangible; (ii) ownership in a business; (iii)
 1781 income from a business; or (iv) personal liability on behalf of a business; however, unless the ownership
 1782 interest in a business exceeds three percent of the total equity of the business, or the liability on behalf
 1783 of a business exceeds three percent of the total assets of the business, or the annual income, and/or
 1784 property or use of such property, from the business exceeds \$10,000 or may reasonably be anticipated to
 1785 exceed \$10,000, such interest shall not constitute a "personal interest."

1786 Name

1787 Office or position held or to be held

1788

1789 Address

1790 **I. FINANCIAL INTERESTS**

1791 *My B. Certain information regarding the personal interests and those of my of the filer and his*
 1792 *immediate family are as follows: Include all forms of personal interests held at the time of filing;*
 1793 *including real estate, stocks, bonds, and equity interests in proprietorships and partnerships held at the*
 1794 *time of filing shall be reported. You may exclude:*

1795 *1. Deposits and interest bearing accounts in banks, savings institutions and other institutions*
 1796 *accepting such deposits or accounts;*

1797 *2. Interests in any business, other than a news medium, representing less than three percent of the*
 1798 *total equity value of the business;*

1799 *3. Liability on behalf of any business representing less than three percent of the total assets of such*
 1800 *business; and*

1801 *4. Income (other than from salary) less than \$10,000 annually from any business. You need not state*
 1802 *the value of any interest. You must state the name or principal business activity of each business in*
 1803 *which you have a personal interest.*

1804 A. *My personal interests are Such report shall include:*

1805 *1. Residence, address, or, if no address, location The county, city, or town*
 1806 *of the filer's residence;*

2. Other real estate, address, or, if no address, location The county, city, or town in which other real estate owned by the filer or member of his immediate family is located;

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

H. 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

1866 pursuant to an agreement between you and such businesses and for which total compensation in excess
 1867 of \$1,000 was received during the preceding year:

1868 Check each category of business to which services were furnished.

1869 _____
 1870 Electric utilities _____
 1871 Gas utilities _____
 1872 Telephone utilities _____
 1873 Water utilities _____
 1874 Cable television companies _____
 1875 Intrastate transportation companies _____
 1876 Interstate transportation companies _____
 1877 Oil or gas retail companies _____
 1878 Banks _____
 1879 Savings institutions _____
 1880 Loan or finance companies _____
 1881 Manufacturing companies (state type
 1882 — of product, e.g., textile, furniture,
 1883 — etc.) _____
 1884 Mining companies _____
 1885 Life insurance companies _____
 1886 Casualty insurance companies _____
 1887 Other insurance companies _____
 1888 Retail companies _____
 1889 Beer, wine or liquor companies or
 1890 — distributors _____
 1891 Trade associations _____
 1892 Professional associations _____
 1893 Associations of public employees or
 1894 — officials _____
 1895 Counties, cities or towns _____
 1896 Labor organizations _____
 1897 _____

1898 IV. COMPENSATION FOR EXPENSES

1899 The D. Certain information regarding representation before any state government agency by the filer
 1900 or a person with whom the filer has a close financial association shall be reported. Unless such
 1901 information is confidential by law or privileged, the report shall include for each instance of
 1902 representation:

1903 1. The name and type of the business represented by the filer or the person with whom the filer has
 1904 a close financial association; and

1905 2. The name of the agency before which the filer, or the person with whom the filer has a close
 1906 financial association, appeared.

1907 E. Certain information regarding remuneration received by the filer or a member of his immediate
 1908 family from persons, associations, or other sources other than ~~my~~ the filer's governmental agency from
 1909 which I or a member of my immediate family received remuneration in excess of \$200 during the
 1910 preceding year, in cash or otherwise, as honorariums or payment of expenses in connection with my his
 1911 attendance at any meeting or other function to which I he was invited in my his official capacity are as
 1912 follows shall be reported. For each honorarium or payment of expenses, the report shall include:

1913 1. The name of the person, association, or other source;

1914 2. A description of the occasion; and

1915 3. The amount of remuneration received.

1916			
1917	Name of Source	Description of occasion	Amount of remuneration for each occasion
1918			
1919			
1920			
1921			
1922			

1923 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. All civil penalties collected pursuant to this subsection shall be deposited into the general fund and used exclusively to fund the Council.

§ 30-101. Definitions.

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

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

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

"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

1985 expense has been incurred. "Gift" does not include (i) any offer of a ticket, coupon, or other admission
 1986 or pass unless the ticket, coupon, admission, or pass is used; (ii) *food or beverages consumed while*
 1987 *attending an event at which the filer is performing duties related to his public service*; (iii) honorary
 1988 degrees; ~~(iii)~~ (iv) any athletic, merit, or need-based scholarship or any other financial aid awarded by a
 1989 public or private school, institution of higher education, or other educational program pursuant to such
 1990 school, institution, or program's financial aid standards and procedures applicable to the general public;
 1991 ~~(iv)~~ (v) *unsolicited, personally inscribed awards of appreciation or recognition in the form of a plaque,*
 1992 *trophy, wall memento, or similar item that is given in recognition of public, civic, charitable, or*
 1993 *professional service*; (vi) a campaign contribution properly received and reported pursuant to Chapter 9.3
 1994 (§ 24.2-945 et seq.) of Title 24.2; ~~(v)~~ (vii) any gift given by a business associate or otherwise related to
 1995 the private profession or occupation of a legislator or of a member of his immediate family; or ~~(vi)~~ (viii)
 1996 gifts from relatives or ~~personal friends received at personal celebrations~~. For the purpose of this
 1997 definition, "relative" means the donee's spouse, child, uncle, aunt, niece, or nephew; a person to whom
 1998 the donee is engaged to be married; the donee's or his spouse's parent, grandparent, grandchild, brother,
 1999 or sister; or the donee's brother's or sister's spouse. For the purpose of this definition, "personal friend"
 2000 does not include any person that the filer knows or has reason to know is (a) a lobbyist registered
 2001 pursuant to Article 3 (§ 2.2-418 et seq.) of Chapter 4 of Title 2.2; (b) a lobbyist's principal as defined in
 2002 § 2.2-419; or (c) a person, organization, or business who is a party to or is seeking to become a party to
 2003 a contract with the Commonwealth. For purposes of this definition, "person, organization, or business"
 2004 includes individuals who are officers, directors, or owners of or who have a controlling ownership
 2005 interest in such organization or business.

2006 "Governmental agency" means each component part of the legislative, executive or judicial branches
 2007 of state and local government, including each office, department, authority, post, commission,
 2008 committee, and each institution or board created by law to exercise some regulatory or sovereign power
 2009 or duty as distinguished from purely advisory powers or duties.

2010 "Immediate family" means (i) a spouse and (ii) any child who resides in the same household as the
 2011 legislator and who is a dependent of the legislator.

2012 "Legislator" means a member of the General Assembly.

2013 "*Personal celebration*" means a social occasion attended by or held for relatives and personal
 2014 friends or an event of a religious nature.

2015 "Personal interest" means a financial benefit or liability accruing to a legislator or to a member of his
 2016 immediate family. Such interest shall exist by reason of (i) ownership in a business if the ownership
 2017 interest exceeds three percent of the total equity of the business; (ii) annual income that exceeds, or may
 2018 reasonably be anticipated to exceed, \$5,000 from ownership in real or personal property or a business;
 2019 (iii) salary, other compensation, fringe benefits, or benefits from the use of property, or any combination
 2020 thereof, paid or provided by a business or governmental agency that exceeds, or may reasonably be
 2021 anticipated to exceed, \$5,000 annually; (iv) ownership of real or personal property if the interest exceeds
 2022 \$5,000 in value and excluding ownership in a business, income, or salary, other compensation, fringe
 2023 benefits or benefits from the use of property; (v) personal liability incurred or assumed on behalf of a
 2024 business if the liability exceeds three percent of the asset value of the business; or (vi) an option for
 2025 ownership of a business or real or personal property if the ownership interest will consist of clause (i) or
 2026 (iv).

2027 "Personal interest in a contract" means a personal interest that a legislator has in a contract with a
 2028 governmental agency, whether due to his being a party to the contract or due to a personal interest in a
 2029 business that is a party to the contract.

2030 "Personal interest in a transaction" means a personal interest of a legislator in any matter considered
 2031 by the General Assembly. Such personal interest exists when an officer or employee or a member of his
 2032 immediate family has a personal interest in property or a business, or represents or provides services to
 2033 any individual or business and such property, business or represented or served individual or business (i)
 2034 is the subject of the transaction or (ii) may realize a reasonably foreseeable direct or indirect benefit or
 2035 detriment as a result of the action of the agency considering the transaction. A "personal interest in a
 2036 transaction" exists only if the legislator or member of his immediate family or an individual or business
 2037 represented or served by the legislator is affected in a way that is substantially different from the general
 2038 public or from persons comprising a profession, occupation, trade, business or other comparable and
 2039 generally recognizable class or group of which he or the individual or business he represents or serves is
 2040 a member.

2041 "Transaction" means any matter considered by the General Assembly, whether in a committee,
 2042 subcommittee, or other entity of the General Assembly or before the General Assembly itself, on which
 2043 official action is taken or contemplated.

2044 § 30-103. Prohibited conduct.

2045 No legislator shall:

2046 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 gift of travel with a value exceeding \$100 from a third party prior to submitting to the Council a request for a waiver to accept such gift of travel and receiving such a waiver pursuant to § 30-356.2. Gifts of travel include transportation, lodging, meals, hospitality, and any other travel-related thing of value.

§ 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

2108 to Article 3 (§ 2.2-418 et seq.) of Chapter 4 of Title 2.2; (b) a lobbyist's principal as defined in
 2109 § 2.2-419; or (c) a person, organization, or business who is a party to or is seeking to become a party to
 2110 a contract with the Commonwealth; (ii) shall report any tangible gift with a value of \$250 or less or any
 2111 intangible gift received from any person listed in clause (i) on Schedule E of such disclosure form; and
 2112 (iii) shall report any payments for talks, meetings, and publications on Schedule D-1 of such disclosure
 2113 form. For purposes of this subsection, "person, organization, or business" includes individuals who are
 2114 officers, directors, or owners of or who have a controlling ownership interest in such organization or
 2115 business. Gifts received from business associates, relatives, or while in attendance at a personal
 2116 celebration are not subject to this prohibition or the disclosure requirements of § 30-111.

2117 B. Notwithstanding the provisions of subsection A, a legislator or candidate for the General
 2118 Assembly required to file the disclosure form prescribed in § 30-111 may accept or receive a gift or a
 2119 combination of gifts with a value in excess of \$100 when such gift is accepted or received while in
 2120 attendance at a widely attended event. A widely attended event is an event for which there is a
 2121 reasonable expectation that at least 25 persons will attend the event and the event is open to individuals
 2122 from a particular industry or profession or who represent persons interested in a particular issue.

2123 C. The \$250 limitation imposed in accordance with this section shall be adjusted by the Council
 2124 every five years, as of January 1 of that year, in an amount equal to the annual increases for that
 2125 five-year period in the United States Average Consumer Price Index for all items, all urban consumers
 2126 (CPI-U), as published by the Bureau of Labor Statistics of the U.S. Department of Labor, rounded to the
 2127 nearest whole dollar Food and beverages received at or registration or attendance fees waived for any
 2128 event at which the legislator or candidate is a featured speaker, presenter, or lecturer shall not be
 2129 subject to the provisions of subsection A.

2130 D. Notwithstanding the provisions of subsection A, a legislator or candidate for the General
 2131 Assembly required to file the disclosure form prescribed in § 30-111 may accept or receive certain gifts
 2132 with a value in excess of \$100 when he has submitted a request for a waiver to and has received the
 2133 approval of the Council pursuant to § 30-356.2. A legislator or candidate for the General Assembly may
 2134 request a waiver for the following gifts:

2135 1. A gift or combination of gifts from a personal friend. In making its determination to grant the
 2136 waiver, the Council shall consider the nature and length of the friendship.

2137 2. Transportation, lodging, hospitality, or other travel-related thing of value that is provided by a
 2138 third party and is directly related to the official duties of the legislator. In making its determination to
 2139 grant the waiver, the Council shall consider the purpose of the trip as it relates to the legislator's public
 2140 duties and responsibilities.

2141 E. For purposes of this section, "candidate" means a person who seeks or campaigns for election to
 2142 the General Assembly in a general, primary, or special election and who is qualified to have his name
 2143 placed on the ballot for the office. The candidate shall become subject to the provisions of this section
 2144 upon the filing of a statement of organization pursuant to § 24.2-947.1. The State Board of Elections
 2145 shall notify each such candidate of the provisions of this section.

2146 § 30-110. Disclosure.

2147 A. Every legislator and legislator-elect shall file, as a condition to assuming office, a disclosure
 2148 statement of his personal interests and such other information as is specified on the form set forth in
 2149 § 30-111 and thereafter shall file such a statement semiannually by December 15 for the preceding
 2150 six-month period complete through the last day of October and by June 15 for the preceding six-month
 2151 period complete through the last day of April. When the filing deadline falls on a Saturday, Sunday, or
 2152 legal holiday, the disclosure statement shall be filed on the next day that is not a Saturday, Sunday, or
 2153 legal holiday. Disclosure forms shall be provided made available by the Virginia Conflict of Interest and
 2154 Ethics Advisory Council at least 30 days prior to the filing deadline. Members of the Senate and
 2155 members of the House of Delegates shall file their disclosure forms with the Virginia Conflict of
 2156 Interest and Ethics Advisory Council. The Disclosure statements shall be filed electronically with the
 2157 Council in accordance with the standards approved by it pursuant to § 30-356. All disclosure forms of
 2158 the members of the General Assembly shall be maintained as public records for five years in the office
 2159 of the Virginia Conflict of Interest and Ethics Advisory Council.

2160 B. Candidates for the General Assembly shall file a disclosure statement of their personal interests as
 2161 required by §§ 24.2-500 through 24.2-503.

2162 C. Any legislator who has a personal interest in any transaction pending before the General
 2163 Assembly and who is disqualified from participating in that transaction pursuant to § 30-108 and the
 2164 rules of his house shall disclose his interest in accordance with the applicable rule of his house.

2165 § 30-111. Disclosure form; penalty.

2166 A. The disclosure form to be used for filings required by subsections A and B of § 30-110 shall be
 2167 substantially as follows: on a form prescribed by the Council. All completed forms shall be filed
 2168 electronically and in accordance with the standards approved by the Council pursuant to § 30-356. A
 2169 person required to file this disclosure form who does so knowing it to contain a material misstatement

of fact is guilty of a Class 6 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.

- 2231 COMPLETE ITEMS 1 THROUGH 11. REFER TO SCHEDULES ONLY IF DIRECTED.
- 2232 You may attach additional explanatory information.
- 2233 1. Offices and Directorships.
- 2234 Are you or a member of your immediate family a paid officer or paid director of a business?
- 2235 EITHER check NO / / OR check YES / / and complete Schedule A.
- 2236 2. Personal Liabilities.
- 2237 Do you or a member of your immediate family owe more than \$5,000 to any one creditor including
- 2238 contingent liabilities? (Exclude debts to any government and loans secured by recorded liens on property
- 2239 at least equal in value to the loan.)
- 2240 EITHER check NO / / OR check YES / / and complete Schedule B.
- 2241 3. Securities.
- 2242 Do you or a member of your immediate family, directly or indirectly, separately or together, own
- 2243 securities valued in excess of \$5,000 invested in one business? Account for mutual funds, limited
- 2244 partnerships and trusts.
- 2245 EITHER check NO / / OR check YES / / and complete Schedule C.
- 2246 4. Payments for Talks, Meetings, and Publications.
- 2247 During the past six months did you receive in your capacity as a legislator lodging, transportation,
- 2248 money, or anything else of value with a combined value exceeding \$200 (i) for a single talk, meeting,
- 2249 or published work or (ii) for a meeting, conference, or event where your attendance at the meeting,
- 2250 conference, or event was designed to (a) educate you on issues relevant to your duties as a legislator,
- 2251 including issues faced by your constituents, or (b) enhance your knowledge and skills relative to your
- 2252 duties as a legislator? Do not include payments and reimbursements from the Commonwealth for
- 2253 meetings attended in your capacity as a legislator; see Question 11 and Schedule D2 to report such
- 2254 meetings.
- 2255 EITHER check NO / / OR check YES / / and complete Schedule D.
- 2256 5. Gifts.
- 2257 During the past six months did a business, government, or individual other than a relative or personal
- 2258 friend (i) furnish you or a member of your immediate family with any gift or entertainment at a single
- 2259 event, and the value received exceeded \$50 or (ii) furnish you or a member of your immediate family
- 2260 with gifts or entertainment in any combination and the total value received exceeded \$100, and for
- 2261 which you or the member of your immediate family neither paid nor rendered services in exchange?
- 2262 Account for entertainment events only if the average value per person attending the event exceeded \$50.
- 2263 Account for all business entertainment (except if related to the private profession or occupation of you
- 2264 or the member of your immediate family who received such business entertainment) even if unrelated to
- 2265 your official duties.
- 2266 EITHER check NO / / OR check YES / / and complete Schedule E.
- 2267 6. Salary and Wages.
- 2268 List each employer that pays you or a member of your immediate family salary or wages in excess
- 2269 of \$5,000 annually. (Exclude any salary received as a member of the General Assembly pursuant to
- 2270 § 30-19.11.)
- 2271 If no reportable salary or wages, check here / /.
- 2272 _____
- 2273 _____
- 2274 _____
- 2275 7. Business Interests and Lobbyist Relationships.
- 2276 7A. Do you or a member of your immediate family, separately or together, operate your own
- 2277 business, or own or control an interest in excess of \$5,000 in a business?
- 2278 EITHER check NO / / OR check YES / / and complete Schedule F-1.
- 2279 7B. Do you have a lobbyist relationship as that term is defined above?
- 2280 EITHER check NO / / OR check YES / / and complete Schedule F-2.
- 2281 8. Payments for Representation and Other Services.
- 2282 8A. Did you represent any businesses before any state governmental agencies, excluding courts or
- 2283 judges, for which you received total compensation during the past six months in excess of \$1,000,
- 2284 excluding compensation for other services to such businesses and representation consisting solely of the
- 2285 filing of mandatory papers and subsequent representation regarding the mandatory papers?
- 2286 EITHER check NO / / OR check YES / / and complete Schedule G-1.
- 2287 8B. Subject to the same exceptions as in 8A, did persons with whom you have a close financial
- 2288 association (partners, associates or others) represent any businesses before any state governmental agency
- 2289 for which total compensation was received during the past six months in excess of \$1,000?
- 2290 EITHER check NO / / OR check YES / / and complete Schedule G-2.
- 2291 8C. Did you or persons with whom you have a close financial association furnish services to
- 2292 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.

2353 Report contingent liabilities below and indicate which debts are contingent.

2354 1. My personal debts are as follows:

2355	Check	Check one
2356	appropriate	\$5,001 to More than
2357	categories	\$50,000 \$50,000
2358	Banks	
2359	Savings institutions	
2360	Other loan or finance companies	
2361	Insurance companies	
2362	Stock, commodity or other brokerage	
2363	companies	
2364	Other businesses:	
2365	(State principal business activity for each	
2366	creditor and its name.)	
2367		
2368		
2369		
2370		
2371	Individual creditors:	
2372	(State principal business or occupation of	
2373	each creditor and its name.)	
2374		
2375		
2376		
2377		

2378 2. The personal debts of the members of my immediate family are as follows:

2379	Check	Check one
2380	appropriate	\$5,001 to More than
2381	categories	\$50,000 \$50,000
2382	Banks	
2383	Savings institutions	
2384	Other loan or finance companies	
2385	Insurance companies	
2386	Stock, commodity or other brokerage	
2387	companies	
2388	Other businesses:	
2389	(State principal business activity for each	
2390	creditor and its name.)	
2391		
2392		
2393		
2394		
2395	Individual creditors:	
2396	(State principal business or occupation of	
2397	each creditor and its name.)	
2398		
2399		
2400		
2401		

2402 RETURN TO ITEM 3

2403 SCHEDULE C - SECURITIES.

2404 "Securities" INCLUDES stocks, bonds, mutual funds, limited partnerships, and commodity futures
2405 contracts.

2406 "Securities" EXCLUDES certificates of deposit, money market funds, annuity contracts, and
2407 insurance policies.

2408 Identify each business or Virginia governmental entity in which you or a member of your immediate
2409 family, directly or indirectly, separately or together, own securities valued in excess of \$5,000. Name

2468 SCHEDULE E - GIFTS.

2469 List each business, governmental entity, or individual that, during the past six months, (i) furnished
 2470 you or a member of your immediate family with any gift or entertainment at a single event, and the
 2471 value received exceeded \$50 or (ii) furnished you or a member of your immediate family with gifts or
 2472 entertainment in any combination and the total value received exceeded \$100, and for which you or the
 2473 member of your immediate family neither paid nor rendered services in exchange. List each such gift or
 2474 event.

2475 Do not list entertainment events unless the average value per person attending the event exceeded
 2476 \$50. Do not list business entertainment related to the private profession or occupation of you or the
 2477 member of your immediate family who received such business entertainment. Do not list gifts or other
 2478 things of value given by a relative or personal friend for reasons clearly unrelated to your public
 2479 position. Do not list campaign contributions publicly reported as required by Chapter 9.3 (§ 24.2-945 et
 2480 seq.) of Title 24.2 of the Code of Virginia.

	Name of Business,	City or	Exact		
2482	Name of	Organization, or	County	Gift or	Approximate
2483	Recipient	Individual	and State	Event	Value
2484					
2485					
2486					
2487					
2488					
2489					
2490					

RETURN TO ITEM 6

2491 SCHEDULE F-1 - BUSINESS INTERESTS.

2492 Complete this Schedule for each self-owned or family-owned business (including rental property, a
 2493 farm, or consulting work), partnership, or corporation in which you or a member of your immediate
 2494 family, separately or together, own an interest having a value in excess of \$5,000.

2495 If the enterprise is owned or operated under a trade, partnership, or corporate name, list that name;
 2496 otherwise, merely explain the nature of the enterprise. If rental property is owned or operated under a
 2497 trade, partnership, or corporate name, list the name only; otherwise, give the address of each property.
 2498 Account for business interests held in trust.

2499	Name of					
2500	Business					
2501	Corporation,					
2502	Partnership,	Nature of	Enterprise	Gross income		
2503	Farm;					
2504	Address of	City or	(farming,	\$50,001	More	
2505	Rental	County	law, rental	\$50,000	to	than
2506	Property	and State	property, etc.)	or less	\$250,000	\$250,000
2507						
2508						
2509						
2510						
2511						
2512						
2513						

RETURN TO ITEM 8

2514 SCHEDULE F-2 - LOBBYIST RELATIONSHIPS AND PAYMENTS.

2515 Complete this Schedule for each lobbyist relationship with the following:

2516 (i) any person who is, or has been within the prior calendar year, registered as a lobbyist with the
 2517 Secretary of the Commonwealth, or

2518 (ii) any business in which you have a greater than three percent ownership interest and that business
 2519 employs, or engages as an independent contractor, any person who is, or has been within the prior
 2520 calendar year, registered as a lobbyist with the Secretary of the Commonwealth.

2521					
2522	List each person	Describe each	Dates of	\$10,000	More than
2523	or business	relationship	relationship	or less	\$10,000
2524					
2525					
2526					

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	Type of Business	Representation	Agency	\$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

2701 Statement of Economic Interests of another member of that house in order to determine the adequacy of
2702 his filing. In accordance with the rules of each house, each Statement of Economic Interests shall be
2703 promptly reviewed, the adequacy of the filing determined, and notice given in writing to the legislator
2704 whose Statement is in issue. Should it be determined that the Statement requires correction,
2705 augmentation or revision, the legislator involved shall be directed to make the changes required within
2706 such time as shall be set under the rules of each house.

2707 If a legislator, after having been notified in writing in accordance with the rules of the house in
2708 which he sits that his Statement is inadequate as filed, fails to amend his Statement so as to come into
2709 compliance within the time limit set, he shall be subject to disciplinary action by the house in which he
2710 sits. No legislator shall vote on any question relating to his own Statement.

2711 Certain information regarding the offices, directorships, and paid employments of the filer and the
2712 members of his immediate family shall be reported. For each office, directorship, or paid employment,
2713 the report shall include:

2714 1. The name and address of the business or employer;

2715 2. The position held and by whom; and

2716 3. The salary, wages, or other remuneration, including stipends and corporate director fees, received.

2717 C. Certain information regarding any unsecured personal liabilities and any unsatisfied judgments
2718 against the filer or a member of his immediate family shall be reported. Debts of any entity established
2719 pursuant to Title 13.1 or Title 50 shall not be required to be reported. For each debt or unsatisfied
2720 judgment, the report shall include:

2721 1. The type of personal liability or unsatisfied judgment;

2722 2. The name and principal business activity of the creditor; and

2723 3. The approximate amount of debt or unsatisfied judgment by selecting one of the following: \$5,001
2724 to \$50,000 or more than \$50,000.

2725 For an individual creditor, the name and occupation of such creditor shall be reported.

2726 D. Certain information regarding any securities owned by the filer or a member of his immediate
2727 family, directly or indirectly, together or separately, shall be reported. For purposes of disclosure,
2728 "security" shall include at least stocks, bonds, mutual funds, limited partnerships, and commodity futures
2729 contracts. For each security owned, the report shall include:

2730 1. The type of security;

2731 2. The name of the issuer; and

2732 3. The approximate value of the security owned.

2733 When reporting the approximate value of any security owned, the filer shall select one of the
2734 following: \$5,001 to \$50,000; \$50,001 to \$250,000; or more than \$250,000.

2735 E. Certain information regarding any business owned by the filer or a member of his immediate
2736 family or any business in which the filer or a member of his immediate family has a controlling
2737 ownership interest shall be reported. For purposes of disclosure, "business" includes at least
2738 corporations, limited liability corporations, partnerships, sole proprietorships, firms, enterprises,
2739 franchises, associations, trusts or foundations, or any other individual or entity carrying on a business
2740 or profession, whether or not for profit. For each such business, the report shall include:

2741 1. The name of the business;

2742 2. The nature of the business; and

2743 3. The county or city and the state where the business is located.

2744 F. Certain information regarding representation before governmental agencies by the filer or a
2745 person with whom the filer has a close financial association shall be reported. Unless such information
2746 is confidential by law or privileged, the report shall include for each instance of representation:

2747 1. The name and type of the business represented by the filer or the person with whom the filer has
2748 a close financial association;

2749 2. The purpose of the representation; and

2750 3. The name of the agency before which the filer, or the person with whom the filer has a close
2751 financial association, appeared.

2752 G. Certain information regarding real estate in which the filer or a member of his immediate family
2753 holds an interest, including a partnership interest, options, easement, or land contract, shall be reported.
2754 For each such real estate, the report shall include:

2755 1. Whether or not it is the principal residence of the filer or the member of his immediate family;

2756 2. The county or city and the state where the real estate is located;

2757 3. The type of real estate;

2758 4. The name in which the real estate is owned or recorded; and

2759 5. Information regarding any contract with a governmental agency for the sale or exchange of the
2760 real estate.

2761 H. Certain information regarding payments or reimbursements received by the filer for his
2762 attendance or participation at meetings, conferences, or other events, which he attended in his official

capacity or in which he 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 \$50 shall be reported. A gift for which the filer reimburses the person giving the gift for the full value of the gift need not be reported. For each reported 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, which shall be deposited into the general fund and used exclusively to fund the Council.

§ 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

2824 seq.) of Chapter 4 of Title 2.2 (hereafter Article 3).

2825 B. The Council shall consist of ~~15~~ 10 members as follows: ~~four~~ three members appointed by the
 2826 Speaker of the House of Delegates, ~~one~~ two of whom shall be a ~~member~~ members of the House of
 2827 Delegates; ~~and one of whom shall be a former member of the House of Delegates~~; and two of whom
 2828 shall be nonlegislative citizen members ~~retired judge~~; ~~four~~ three members appointed by the Senate
 2829 Committee on Rules, ~~one~~ two of whom shall be a ~~member~~ members of the Senate; ~~and one of whom~~
 2830 shall be a former member of the Senate, and two of whom shall be nonlegislative citizen members
 2831 ~~retired judge~~; and four members appointed by the Governor, two of whom shall be executive branch
 2832 employees and two of whom shall be nonlegislative citizen members; ~~one member designated by the~~
 2833 Attorney General; one member appointed by the Senate Committee on Rules from a list of three
 2834 nominees submitted by the Virginia Association of Counties; and one member appointed by the Speaker
 2835 of the House of Delegates from a list of three nominees submitted by the Virginia Municipal League.
 2836 All members of the Council are subject to confirmation by the General Assembly by a majority vote in
 2837 each house of (i) the members present of the majority party and (ii) the members present of the minority
 2838 party. *No member of the Council may be removed from his term except for cause.*

2839 C. All appointments following the initial staggering of terms shall be for terms of four years, except
 2840 that appointments to fill vacancies shall be for the unexpired terms in the same manner as the original
 2841 appointment. No nonlegislative citizen member shall be eligible to serve for more than two successive
 2842 four-year terms. However, after the expiration of a term of three years or less, or after the expiration of
 2843 the remainder of a term to which appointed to fill a vacancy, two additional terms may be served by
 2844 such member if appointed thereto. Legislative members and other state government officials shall serve
 2845 terms coincident with their terms of office. Legislative members may be reappointed for successive
 2846 terms.

2847 D. The members of the Council shall elect from among their membership a chairman and a
 2848 vice-chairman for two-year terms. The chairman and vice-chairman may not succeed themselves to the
 2849 same position. The Council shall hold meetings quarterly or upon the call of the chairman. A majority
 2850 of the Council *appointed* shall constitute a quorum.

2851 E. Members of the Council shall receive ~~no~~ compensation for their services but shall be reimbursed
 2852 for all reasonable and necessary expenses incurred in the performance of their duties as provided in
 2853 §§ 2.2-2813, 2.2-2825, and 30-19.12, as appropriate *a per diem of \$100*. Funding for expenses of the
 2854 members shall be provided from existing appropriations to the Council.

2855 **§ 30-356. Disclosure forms.**

2856 A. The Council shall: *designate the forms required for complying with the disclosure requirements of*
 2857 *Article 3 and the Acts. The Council may amend the forms as it deems necessary, but in no case shall*
 2858 *the forms require less information than that which is required to be reported by Article 3 or the Acts.*
 2859 *These forms shall be the only forms used in complying with the provisions of Article 3 and the Acts. The*
 2860 *Council shall make available on its website the disclosure forms and shall provide guidance and other*
 2861 *instructions to assist in the completion of the forms.*

2862 ~~1.~~ Review B. The Council shall review all disclosure forms filed by lobbyists pursuant to Article 3
 2863 and by state and local government officers and employees and legislators pursuant to the Acts. The
 2864 Council shall review all disclosure forms for completeness, which shall include reviewing the
 2865 information contained on the face of the form to determine if the disclosure form has been fully
 2866 completed and comparing the disclosures contained in any disclosure form filed by a lobbyist pursuant
 2867 to § 2.2-426 with other disclosure forms filed with the Council; ~~and be followed by requests for~~
 2868 ~~amendments to ensure the completeness of and correction of errors in the forms, if necessary.~~ *If a*
 2869 *disclosure form is found to have not been filed or to have been incomplete as filed, the Council shall*
 2870 *notify the filer in writing and direct the filer to file a completed disclosure form within a prescribed*
 2871 *period of time.*

2872 2. Accept any disclosure forms by computer or electronic means in accordance with the standards
 2873 approved by the Council and using software meeting standards approved by it. C. The Council shall
 2874 require all disclosure forms be filed electronically and shall provide software or electronic access for
 2875 filing the required disclosure forms to all filers without charge and may. *It shall* prescribe the method of
 2876 execution and certification of electronically filed forms, including the use of an electronic signature as
 2877 authorized by the Uniform Electronic Transactions Act (§ 59.1-479 et seq.); ~~and the procedures for~~
 2878 ~~receiving forms in the office of the Council.~~

2879 3. D. Beginning July 1, ~~2015~~ 2016, the Council shall establish and maintain a searchable electronic
 2880 database comprising disclosure forms *properly* filed pursuant to §§ 2.2-426, 2.2-3117, 2.2-3118, and
 2881 30-111. Such database shall be available to the public through the Council's official website.

2882 4. Furnish, upon request, formal advisory opinions or guidelines and other appropriate information;
 2883 including informal advice, regarding ethics and conflicts issues arising under Article 3 or the Acts to any
 2884 person or to any agency of state or local government, in an expeditious manner. Informal advice given
 2885 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. The Council may authorize a designee to furnish informal advice or formal advisory opinions or guidance.

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 or the Council's designee is confidential, protected by the attorney-client privilege, 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 gift of travel, including transportation, lodging, meal, hospitality, or other travel-related thing of value, provided by a third party that has a value exceeding \$100. 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. The Council shall approve a waiver for transportation if the transportation is provided to facilitate attendance by the legislator at a regular or special session of the General Assembly, a meeting of a legislative committee or commission, or a national conference where attendance is approved by the House or Senate Committee on Rules.

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. The Council may authorize a designee to review and approve or deny requests for waivers pursuant to this section. Unless the circumstances giving rise to the request for waiver make it necessary that approval or denial be completed sooner, the Council shall approve or deny a waiver within seven days of receipt of a request for a waiver. The Council may request additional information if necessary and if such 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

2947 to public disclosure.

2948 2. The request required by subsection B shall include specific information regarding the nature and
2949 length of friendship. This request shall be required for gifts provided to the spouse and dependent
2950 children of those persons required to file the disclosure form prescribed in §§ 2.2-3117 or 30-111.

2951 E. No person shall be prosecuted, assessed a civil penalty, or otherwise disciplined for acceptance of
2952 a gift or travel-related thing of value if he accepted such gift or travel-related thing of value after
2953 receiving a waiver under this section and the waiver was granted after his full disclosure of the material
2954 facts.

2955 F. The Council shall provide instructions for completing and submitting a request. It shall prescribe
2956 the procedures for receiving and reviewing requests for waivers and the standards for approving or
2957 denying waivers.

2958 **§ 30-356.3. Inspections.**

2959 The Council shall conduct a semiannual inspection of a random sample of the disclosure forms filed
2960 pursuant to Article 3 and the Acts. The Council shall inspect each disclosure form to determine (i)
2961 compliance with applicable disclosure requirements, (ii) compliance with applicable limitations on gifts,
2962 (iii) the accuracy of the information disclosed, and (iv) whether filing deadlines were met.

2963 **§ 30-356.4. Other powers and duties; report.**

2964 The Council shall:

2965 1. Redact from any document or form that is to be made available to the public any residential
2966 address, personal telephone number, or signature contained on that document or form;

2967 2. Conduct training seminars and educational programs for lobbyists, state and local government
2968 officers and employees, legislators, and other interested persons on the requirements of Article 3 and the
2969 Acts and provide ethics orientation sessions for legislators in compliance with Article 6 (§ 30-129.1 et
2970 seq.) of Chapter 13;

2971 3. Approve orientation courses conducted pursuant to § 2.2-3128 and, upon request, review the
2972 educational materials and approve any training or course on the requirements of Article 3 and the Acts
2973 conducted for state and local government officers and employees;

2974 4. Publish such educational materials as it deems appropriate on the provisions of Article 3 and the
2975 Acts;

2976 5. Review actions taken in the General Assembly with respect to the discipline of its members for the
2977 purpose of offering nonbinding advice;

2978 6. Request from any agency of state or local government such assistance, services, and information
2979 as will enable the Council to effectively carry out its responsibilities. Information provided to the
2980 Council by an agency of state or local government shall not be released to any other party unless
2981 authorized by such agency; and

2982 7. Report on or before December 1 of each year on its activities and findings regarding Article 3
2983 and the Acts, including recommendations for changes in the laws, to the General Assembly and the
2984 Governor. The annual report shall be submitted by the chairman as provided in the procedures of the
2985 Division of Legislative Automated Systems for the processing of legislative documents and reports and
2986 shall be published as a state document.

2987 **§ 30-357. Staff.**

2988 Staff assistance to the Council shall be provided by the Division of Legislative Services. Staff shall
2989 perform those duties assigned to it by the Council, including those duties enumerated in §§ 30-356
2990 through 30-356.4. The Division of Legislative Services, in consultation with the Joint Committee on
2991 Rules, shall employ an executive director. The executive director shall be responsible for the
2992 administrative operations of the Council and shall perform other duties as may be delegated or assigned
2993 to him by the Council.

2994 2. That the provisions of this act may result in a net increase in periods of imprisonment or
2995 commitment. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot
2996 be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter
2997 2 of the Acts of Assembly of 2014, Special Session I, requires the Virginia Criminal Sentencing
2998 Commission to assign a minimum fiscal impact of \$50,000. Pursuant to § 30-19.1:4, the estimated
2999 amount of the necessary appropriation cannot be determined for periods of commitment to the
3000 custody of the Department of Juvenile Justice.