

LD2121661

SENATE BILL NO. 486

Offered January 25, 1994

A BILL to amend and reenact §§ 2.1-639.2, 2.1-639.4, 2.1-639.14, 2.1-639.31, 2.1-639.33, and 24.2-502 of the Code of Virginia and to amend the Code of Virginia by adding in Title 2.1 a chapter numbered 10.5, consisting of sections numbered 2.1-116.20 through 2.1-116.26, and in Article 2 of Chapter 40.1 a section numbered 2.1-639.4:1, relating to ethics and governmental accountability, conflicts of interests, and standards of conduct for state and local government officers and employees; penalties.

Patrons—Gartlan, Andrews, Calhoun and Waddell; Delegates: Almand, Cranwell, Croshaw and Diamonstein

Referred to the Committee on General Laws

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.1-639.2, 2.1-639.4, 2.1-639.14, 2.1-639.31, 2.1-639.33, and 24.2-502 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Title 2.1 a chapter numbered 10.5, consisting of sections numbered 2.1-116.20 through 2.1-116.26, and in Article 2 of Chapter 40.1 a section numbered 2.1-639.4:1, as follows:

CHAPTER 10.5.

WHISTLE-BLOWER LAW.

§ 2.1-116.20. Definitions.

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

"Appropriate authority" means a federal, state, county or municipal governmental body, agency or organization having jurisdiction over criminal law enforcement, regulatory violations, professional conduct or ethics, or waste; or a member, officer, agent, representative or supervisory employee of the body, agency or organization. The term includes, but is not limited to, the Office of the Attorney General, the Office of the State Auditor, and the General Assembly and its committees having the power and duty to investigate criminal law enforcement, regulatory violations, professional conduct or ethics, or waste.

"Employee" means a person who performs a full- or part-time service for wages, salary, or other remuneration under a contract of hire, written or oral, express or implied, for a public body.

"Employer" means a person supervising one or more employees, including the employee in question, a superior of that supervisor, or an agent of a public body.

"Good faith report" means a report of conduct defined in this chapter as wrongdoing or waste which is made without malice or consideration of personal benefit and which the person making the report has reasonable cause to believe is true.

"Public body" means any of the following:

1. A department, division, officer, agency, bureau, board, commission, court in its nonjudicial functions only, council, institution, spending unit, authority or other instrumentality of the Commonwealth;

2. A commission, council, department, agency, board, court in its nonjudicial functions only, official, special district, corporation or other instrumentality of a county or a municipality; or

3. Any other body which is created by state or political subdivision authority or which is funded by thirty-five percent or more by or through state or political subdivision authority, or a member or employee of that body.

"Waste" means an employer's or employee's conduct or omissions which result in substantial abuse, misuse, destruction or loss of funds or resources belonging to or derived from federal, state or political subdivision sources.

"Whistle-blower" means a person who witnesses or has evidence of wrongdoing or waste while employed with a public body and who makes a good faith report of, or testifies to, the wrongdoing or waste, verbally or in writing, to one of the employee's superiors, to an agent of the employer or to an appropriate authority.

"Wrongdoing" means a violation which is not of a merely technical or minimal nature of a federal or state statute or regulation, of a political subdivision ordinance or regulation or of a code of conduct or ethics designed to protect the interests of the public or the employee.

§ 2.1-116.21. Discriminatory and retaliatory actions against whistle-blowers prohibited.

A. No employer may discharge, threaten or otherwise discriminate or retaliate against an employee by changing the employee's compensation, terms, conditions, location or privileges of employment

60 because the employee, acting on his own volition, or a person acting on behalf of or under the direction  
61 of the employee, makes a good faith report or is about to report, verbally or in writing, to the employer  
62 or appropriate authority an instance of wrongdoing or waste.

63 B. No employer may discharge, threaten or otherwise discriminate or retaliate against an employee  
64 by changing the employee's compensation, terms, conditions, location or privileges of employment  
65 because the employee is requested or subpoenaed by an appropriate authority to participate in an  
66 investigation, hearing or inquiry held by an appropriate authority or in a court action.

67 § 2.1-116.22. Civil action by whistle-blower for violation; limitation on actions; burden of proof;  
68 defense; use of evidence in civil service proceeding.

69 A. A person who alleges that he is a victim of a violation of this chapter may bring a civil action in  
70 a court of competent jurisdiction for appropriate injunctive relief or damages, or both, within 180 days  
71 after the occurrence of the alleged violation.

72 B. An employee alleging a violation of this chapter must show by a preponderance of the evidence  
73 that, prior to the alleged reprisal, the employee, or a person acting on behalf of or under the direction  
74 of the employee, had reported or was about to report in good faith, verbally or in writing, an instance  
75 of wrongdoing or waste to the employer or an appropriate authority.

76 C. It shall be a defense to an action under this section if the defendant proves by a preponderance  
77 of the evidence that the action complained of occurred for separate and legitimate reasons, which are  
78 not merely pretexts.

79 D. An employee covered by the Virginia Personnel Act who contests a personnel action, believing it  
80 to be motivated by his having made a disclosure of information, may submit as admissible evidence any  
81 or all material relating to the action as whistle-blower and to the resulting alleged reprisal.

82 § 2.1-116.23. Redress for whistle-blower.

83 A court, in rendering a judgment for the complainant in an action brought under this chapter, shall  
84 order, as the court considers appropriate, reinstatement of the employee, the payment of back wages,  
85 full reinstatement of fringe benefits and seniority rights, actual damages or any combination of these  
86 remedies. A court may also award the complainant all or a portion of the costs of litigation, including  
87 reasonable attorney and witness fees, if the court determines that the award is appropriate.

88 § 2.1-116.24. Civil penalty; suspension from public service.

89 A person who, as an employer or under color of an employer's authority, violates this chapter is  
90 liable for a civil penalty of not more than \$500. Unless the person holds a public office by election or  
91 appointment, if the court specifically finds that the person, while in the employment of the  
92 Commonwealth or a political subdivision, committed a violation of § 2.1-116.21 with the intent to  
93 discourage the disclosure of information, the court may order the person's suspension from public  
94 service for up to six months. A civil penalty collected under this section shall be paid to the State  
95 Treasurer for deposit into the general fund.

96 § 2.1-116.25. Limitations on scope of construction.

97 The provisions of this chapter shall not be construed to require an employer to compensate an  
98 employee for participation in an investigation, hearing or inquiry held by an appropriate authority.

99 § 2.1-116.26. Notice to employees of protection of whistle-blowers.

100 An employer shall post notices and use other appropriate means to notify employees and keep them  
101 informed of the protections and obligations set forth in the provisions of this chapter.

102 § 2.1-639.2. Definitions.

103 As used in this chapter:

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

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

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

116 "Dependent" means a son, daughter, father, mother, brother, sister or other person, whether or not  
117 related by blood or marriage, if such person receives from the officer or employee, or provides to the  
118 officer or employee, more than one-half of his financial support.

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

121 "Financial institution" means any bank, trust company, savings and loan association, industrial loan

122 association, consumer finance company, credit union, broker-dealer as defined in § 13.1-501, or  
123 investment company or advisor registered under the federal Investment Advisors Act or Investment  
124 Company Act of 1940.

125 *"Gift" means any gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item*  
126 *having monetary value. It includes services as well as gifts of transportation, local travel, lodgings and*  
127 *meals, whether provided in-kind, by purchase of a ticket, payment in advance or reimbursement after the*  
128 *expense has been incurred. "Gift" shall not include awards and honorary degrees; reasonable food,*  
129 *travel, and lodging expenses for participating at a public function; tickets to attend an event as a*  
130 *courtesy or ceremony customarily extended to the office; reasonable food and beverage for one person*  
131 *consumed at one time; gifts from relatives; and gifts that are purely private and personal in nature.*

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

138 "Immediate family" means (i) a spouse and (ii) any other person residing in the same household as  
139 the officer or employee, who is a dependent of the officer or employee or of whom the officer or  
140 employee is a dependent.

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

144 "Personal interest" means a financial benefit or liability accruing to an officer or employee or to a  
145 member of his immediate family. Such interest shall exist by reason of (i) ownership in a business if the  
146 ownership interest exceeds three percent of the total equity of the business; (ii) annual income that  
147 exceeds, or may reasonably be anticipated to exceed, \$10,000 from ownership in real or personal  
148 property or a business; (iii) salary, other compensation, fringe benefits, or benefits from the use of  
149 property, or any combination thereof, paid or provided by a business that exceeds, or may reasonably be  
150 anticipated to exceed, \$10,000 annually; (iv) ownership of real or personal property if the interest  
151 exceeds \$10,000 in value and excluding ownership in a business, income, or salary, other compensation,  
152 fringe benefits or benefits from the use of property; or (v) personal liability incurred or assumed on  
153 behalf of a business if the liability exceeds three percent of the asset value of the business.

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

157 "Personal interest in a transaction" means a personal interest of an officer or employee in any matter  
158 considered by his agency. Such personal interest exists when an officer or employee or a member of his  
159 immediate family has a personal interest in property or a business, or represents any individual or  
160 business and such property, business or represented individual or business (i) is the subject of the  
161 transaction or (ii) may realize a reasonably foreseeable direct or indirect benefit or detriment as a result  
162 of the action of the agency considering the transaction. Notwithstanding the above, such personal interest  
163 shall not be deemed to exist where an elected member of a local governing body serves without  
164 remuneration as a member of the board of trustees of a not-for-profit entity and there is a full disclosure  
165 of any personal benefit arising from the relationship.

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

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

171 § 2.1-639.4. Prohibited conduct.

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

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

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

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

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

183 5. Accept any money, loan, gift, favor, service, or business or professional opportunity that  
 184 reasonably tends to influence him in the performance of his official duties. This subdivision shall not  
 185 apply to any political contribution actually used for political campaign or constituent service purposes  
 186 and reported as required by Chapter 9 (§ ~~24.1-251~~ 24.2-900 et seq.) of Title ~~24.1~~ 24.2; or

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

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

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

197 9. *Accept any honoraria for speaking at or attending proceedings or events which he is attending*  
 198 *primarily to provide expertise or opinions related to the performance of his official duties. The*  
 199 *prohibition in this subdivision shall apply only to the Governor, Lieutenant Governor, Attorney General,*  
 200 *Governor's Secretaries, and heads of departments of state government.*

201 § 2.1-639.4:1. *Representation of clients after government service; exceptions.*

202 A. *No former officer or employee shall represent a person in a matter before a governmental agency*  
 203 *in which the former officer or employee participated personally and substantially while an officer or*  
 204 *employee.*

205 B. *No former officer or employee shall represent a person in a matter which was pending under his*  
 206 *official responsibility within one year before the termination of that responsibility for one year after his*  
 207 *service in the public position has ceased.*

208 C. *The prohibitions in this section shall apply only to officers and employees who are elected or*  
 209 *appointed to office or who are employed on a full-time compensated basis and report directly to an*  
 210 *elected or appointed officer or employee and may include legislative branch officers and employees*  
 211 *designated by the joint rules committee of the General Assembly.*

212 § 2.1-639.14. *Disclosure by local government officers and employees.*

213 A. *The members of every the governing body and elected school board of each county and, city, and*  
 214 *of towns with populations in excess of 3,500, and persons occupying such positions of trust appointed*  
 215 *by such bodies as may be designated to file by ordinance of the governing body, and persons occupying*  
 216 *such positions of employment as may be designated to file by ordinance of the governing body shall*  
 217 *file, as a condition to assuming office or employment, a disclosure statement of their personal interests*  
 218 *and other information as is specified on the form set forth in § 2.1-639.15 and thereafter shall file such*  
 219 *a statement annually on or before January 15. The governing body of any other town may elect, by*  
 220 *ordinance, to be treated as a town with a population in excess of 3,500 for the purposes of this chapter.*  
 221 *The clerk of the governing body of the town shall file a copy of the ordinance with the general registrar*  
 222 *for the town and the State Board of Elections.*

223 B. *Nonsalaried citizen members of local boards, commissions and councils as may be designated by*  
 224 *the governing body shall file, as a condition to assuming office, a disclosure form of their personal*  
 225 *interests and such other information as is specified on the form set forth in § 2.1-639.15:1 and thereafter*  
 226 *shall file such form annually on or before January 15.*

227 C. *The disclosure forms required by subsections A and B of this section shall be provided by the*  
 228 *Secretary of the Commonwealth to the clerks of the governing bodies not later than November 30 of*  
 229 *each year and the clerk of the governing body shall distribute the forms to designated individuals no*  
 230 *later than December 10 of each year. Forms shall be filed and maintained as public records for five*  
 231 *years in the office of the clerk of the respective governing body.*

232 D. *Candidates for membership in the governing body of any county, city or town with a population*  
 233 *of more than 3,500 persons, or any other town electing to be treated as a town with such population,*  
 234 *shall file a disclosure statement of their personal interests as required by § ~~24.1-167~~ 24.2-502.*

235 E. *Any officer or employee of local government who has a personal interest in any transaction before*  
 236 *the governmental or advisory agency of which he is an officer or employee and who is disqualified*  
 237 *from participating in that transaction pursuant to § 2.1-639.11 A 1, or otherwise elects to disqualify*  
 238 *himself, shall forthwith make disclosure of the existence of his interest, and his disclosure shall be*  
 239 *reflected in the public records of the agency for five years in the office of the administrative head of the*  
 240 *officer's or employee's governmental or advisory agency.*

241 F. *In addition to any disclosure required by subsections A and B of this section, in each county and,*  
 242 *city, and in towns with populations in excess of 3,500, or any other town electing to be treated as a*  
 243 *town with such population, members of planning commissions, boards of zoning appeals, real estate*  
 244 *assessors, and all county, city and town managers or executive officers shall make annual disclosures of*

245 all their interests in real estate located in the county, city or town in which they are elected, appointed,  
 246 or employed. Such disclosure shall include any business in which such persons own an interest, or from  
 247 which income is received, if the primary purpose of the business is to own, develop or derive  
 248 compensation through the sale, exchange or development of real estate in the county, city or town. Such  
 249 disclosure shall be filed as a condition to assuming office or employment, and thereafter shall be filed  
 250 annually with the clerk of the governing body of such county, city or town on or before January 15.  
 251 Such disclosures shall be filed and maintained as public records for five years. Forms for the filing of  
 252 such reports shall be prepared and distributed by the Secretary of the Commonwealth to the clerk of  
 253 each governing body.

254 G. An officer or employee of local government who is required to declare his interest pursuant to  
 255 §2.1-639.11 A 2 shall declare his interest by stating (i) the transaction involved, (ii) the nature of the  
 256 officer's or employee's personal interest affected by the transaction, (iii) that he is a member of a  
 257 business, profession, occupation, or group the members of which are affected by the transaction, and (iv)  
 258 that he is able to participate in the transaction fairly, objectively, and in the public interest. The officer  
 259 or employee shall either make his declaration orally to be recorded in written minutes of his agency or  
 260 file a signed written declaration with the clerk or administrative head of his governmental or advisory  
 261 agency, as appropriate, who shall, in either case, retain and make available for public inspection such  
 262 declaration for a period of five years from the date of recording or receipt. If reasonable time is not  
 263 available to comply with the provisions of this subsection prior to participation in the transaction, the  
 264 officer or employee shall prepare and file the required declaration by the end of the next business day.

265 § 2.1-639.31. Definitions.

266 As used in this chapter:

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

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

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

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

283 "*Gift*" means any gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item  
 284 having monetary value. It includes services as well as gifts of transportation, local travel, lodgings and  
 285 meals, whether provided in-kind, by purchase of a ticket, payment in advance or reimbursement after the  
 286 expense has been incurred. "*Gift*" shall not include awards and honorary degrees; reasonable food,  
 287 travel, and lodging expenses for participating at a public function; tickets to attend an event as a  
 288 courtesy or ceremony customarily extended to the office; reasonable food and beverage for one person  
 289 consumed at one time; gifts from relatives; and gifts that are purely private and personal in nature.

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

294 "Immediate family" means (i) a spouse and (ii) any other person residing in the same household as  
 295 the legislator, who is a dependent of the legislator or of whom the legislator is a dependent.  
 296 "Dependent" means a son, daughter, father, mother, brother, sister or other person, whether or not  
 297 related by blood or marriage, if such person receives from the legislator, or provides to the legislator,  
 298 more than one-half of his financial support.

299 "Legislator" means a member of the General Assembly of Virginia.

300 "Personal interest" means a financial benefit or liability accruing to a legislator or to a member of his  
 301 immediate family. Such interest shall exist by reason of (i) ownership in a business if the ownership  
 302 interest exceeds three percent of the total equity of the business; (ii) annual income that exceeds, or may  
 303 reasonably be anticipated to exceed, \$10,000 from ownership in real or personal property or a business;  
 304 (iii) salary, other compensation, fringe benefits, or benefits from the use of property, or any combination  
 305 thereof, paid or provided by a business that exceeds, or may reasonably be anticipated to exceed,

306 \$10,000 annually; (iv) ownership of real or personal property if the interest exceeds \$10,000 in value  
 307 and excluding ownership in a business, income, or salary, other compensation, fringe benefits or benefits  
 308 from the use of property; or (v) personal liability incurred or assumed on behalf of a business if the  
 309 liability exceeds three percent of the asset value of the business.

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

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

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

326 § 2.1-639.33. Prohibited conduct.

327 No legislator shall:

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

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

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

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

338 5. Accept any money, loan, gift, favor, service, or business or professional opportunity that  
 339 reasonably tends to influence him in the performance of his official duties. This subdivision shall not  
 340 apply to any political contribution actually used for political campaign or constituent service purposes  
 341 and reported as required by Chapter 9 (§ ~~24.1-251~~ 24.2-900 et seq.) of Title ~~24.1~~ 24.2; or

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

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

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

351 9. *Accept any honoraria for speaking at or attending proceedings or events which he is attending*  
 352 *primarily to provide expertise or opinions related to the performance of his official duties.*

353 § 24.2-502. Statement of economic interests as requirement of candidacy.

354 It shall be a requirement of candidacy that a written statement of economic interests shall be filed by  
 355 (i) a candidate for Governor, Lieutenant Governor, or Attorney General with the Secretary of the  
 356 Commonwealth, (ii) a candidate for Senate or House of Delegates with the clerk of the appropriate  
 357 house, (iii) a candidate for a constitutional office with the general registrar for the county or city, ~~and~~  
 358 (iv) a candidate for member of the governing body or elected school board of any county, city, or town  
 359 with a population in excess of 3,500 persons, *and (v) a candidate for member of the governing body or*  
 360 *elected school board of any other town electing to be treated as a town with a population in excess of*  
 361 *3,500 person* with the general registrar for the county or city. The statement of economic interests shall  
 362 be that specified in § 2.1-639.41 for candidates for the General Assembly and in § 2.1-639.15 for all  
 363 other candidates. The foregoing requirement shall not apply to a candidate for reelection to the same  
 364 office who has met the requirement of annually filing a statement pursuant to § 2.1-639.13, § 2.1-639.14,  
 365 or § 2.1-639.40.

366 The Secretary of the Commonwealth, the clerks of the Senate and House of Delegates, the general  
 367 registrar, and the clerk of the local governing body shall transmit to the State Board, immediately after

368 the filing deadline, a list of the candidates who have filed initial or annual statements of economic  
369 interests. The Secretary of the State Board shall notify the appropriate local electoral boards of the  
370 filings.

**INTRODUCED**

SB486