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**HOUSE BILL NO. 1838**

Offered January 13, 2025

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*A BILL to amend and reenact §§ 2.2-419 and 30-101 of the Code of Virginia, relating to General Assembly Conflicts of Interests Act; definition of "gift."*

Patrons—Bloxom and Ware

Referred to Committee on General Laws

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 2.2-419 and 30-101 of the Code of Virginia are amended and reenacted as follows:**

**§ 2.2-419. Definitions.**

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

"Anything of value" means:

1. A pecuniary item, including money, or a bank bill or note;
  2. A promissory note, bill of exchange, order, draft, warrant, check, or bond given for the payment of money;
  3. A contract, agreement, promise, or other obligation for an advance, conveyance, forgiveness of indebtedness, deposit, distribution, loan, payment, gift, pledge, or transfer of money;
  4. A stock, bond, note, or other investment interest in an entity;
  5. A receipt given for the payment of money or other property;
  6. A right in action;
  7. A gift, tangible good, chattel, or an interest in a gift, tangible good, or chattel;
  8. A loan or forgiveness of indebtedness;
  9. A work of art, antique, or collectible;
  10. An automobile or other means of personal transportation;
  11. Real property or an interest in real property, including title to realty, a fee simple or partial interest, present or future, contingent or vested within realty, a leasehold interest, or other beneficial interest in realty;
  12. An honorarium or compensation for services;
  13. A rebate or discount in the price of anything of value unless the rebate or discount is made in the ordinary course of business to a member of the public without regard to that person's status as an executive or legislative official, or the sale or trade of something for reasonable compensation that would ordinarily not be available to a member of the public;
  14. A promise or offer of employment; or
  15. Any other thing of value that is pecuniary or compensatory in value to a person.
- "Anything of value" does not mean a campaign contribution properly received and reported pursuant to Chapter 9.3 (§ 24.2-945 et seq.) of Title 24.2.

"Compensation" means:

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

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

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

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

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HB1838

59 than a clerical or secretarial employee;

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

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

64 "Expenditure" means:

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

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

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

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

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

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

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

80 "Expenditure" does not mean a campaign contribution properly received and reported pursuant to Chapter  
81 9.3 (§ 24.2-945 et seq.) of Title 24.2.

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

85 "Gift" means anything of value, including any gratuity, favor, discount, entertainment, hospitality, loan,  
86 forbearance, or other item having monetary value, and includes services as well as gifts of transportation,  
87 local travel, lodgings, and meals, whether provided in-kind or by purchase of a ticket, payment in advance, or  
88 reimbursement after the expense has been incurred.

89 "Gift" does not mean:

90 1. Printed informational or promotional material;

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

93 3. A devise or inheritance;

94 4. A gift of a value of less than \$20;

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

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

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

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

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

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

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

116 12. Attendance at a reception or similar function where food, such as hors d'oeuvres, and beverages that  
117 can be conveniently consumed by a person while standing or walking are offered; or

118 13. Any food or beverages provided to and consumed by legislators representing different political parties  
119 while such legislators are sitting and sharing a meal together.

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

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

122 "Legislative action" means:

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

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

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

131 "Legislative official" means:

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

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

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

137 "Lobbying" means:

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

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

141 "Lobbying" does not mean:

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

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

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

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

149 "Lobbyist" means:

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

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

154 3. A local government employee who lobbies.

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

160 "Local government" means:

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

162 2. Any school division;

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

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

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

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

171 "Procurement transaction" means all functions that pertain to obtaining all goods, services, or construction  
172 on behalf of an executive agency, including description of requirements, selection and solicitation of sources,  
173 preparation and award of contract, and all phases of contract administration where the stated or expected  
174 value of the contract is \$5 million or more.

175 "Secretary" means the Secretary of the Commonwealth.

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

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

182 **§ 30-101. Definitions.**

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

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

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

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

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

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

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

205 "Gift" means any gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item  
206 having monetary value. It includes services as well as gifts of transportation, lodgings and meals, whether  
207 provided in-kind, by purchase of a ticket, payment in advance, or reimbursement after the expense has been  
208 incurred. "Gift" does not include (i) any offer of a ticket, coupon, or other admission or pass unless the ticket,  
209 coupon, admission, or pass is used; (ii) honorary degrees; (iii) any athletic, merit, or need-based scholarship  
210 or any other financial aid awarded by a public or private school, institution of higher education, or other  
211 educational program pursuant to such school, institution, or program's financial aid standards and procedures  
212 applicable to the general public; (iv) a campaign contribution properly received and reported pursuant to  
213 Chapter 9.3 (§ 24.2-945 et seq.) of Title 24.2; (v) any gift related to the private profession or occupation or  
214 volunteer service of a legislator or of a member of his immediate family; (vi) food or beverages consumed  
215 while attending an event at which the filer is performing official duties related to his public service; (vii) food  
216 and beverages received at or registration or attendance fees waived for any event at which the filer is a  
217 featured speaker, presenter, or lecturer; (viii) unsolicited awards of appreciation or recognition in the form of  
218 a plaque, trophy, wall memento, or similar item that is given in recognition of public, civic, charitable, or  
219 professional service; (ix) a devise or inheritance; (x) travel disclosed pursuant to the Campaign Finance  
220 Disclosure Act (§ 24.2-945 et seq.); (xi) travel paid for or provided by the government of the United States,  
221 any of its territories, or any state or any political subdivision of such state; (xii) travel provided to facilitate  
222 attendance by a legislator at a regular or special session of the General Assembly, a meeting of a legislative  
223 committee or commission, or a national conference where attendance is approved by the House Committee  
224 on Rules or its Chairman or the Senate Committee on Rules or its Chairman; (xiii) travel related to an official  
225 meeting of, or any meal provided for attendance at such meeting by, the Commonwealth, its political  
226 subdivisions, or any board, commission, authority, or other entity, or any charitable organization established  
227 pursuant to § 501(c)(3) of the Internal Revenue Code affiliated with such entity, to which such person has  
228 been appointed or elected or is a member by virtue of his office or employment; (xiv) gifts with a value of  
229 less than \$20; (xv) attendance at a reception or similar function where food, such as hors d'oeuvres, and  
230 beverages that can be conveniently consumed by a person while standing or walking are offered; (xvi) *food  
231 and beverages consumed by a legislator while sitting and sharing a meal with at least one legislator of a  
232 different political party*; or ~~(xvi)~~ (xvii) gifts from relatives or personal friends. For the purpose of this  
233 definition, "relative" means the donee's spouse, child, uncle, aunt, niece, nephew, or first cousin; a person to  
234 whom the donee is engaged to be married; the donee's or his spouse's parent, grandparent, grandchild,  
235 brother, sister, step-parent, step-grandparent, step-grandchild, step-brother, or step-sister; or the donee's  
236 brother's or sister's spouse or the donee's son-in-law or daughter-in-law. For the purpose of this definition,  
237 "personal friend" does not include any person that the filer knows or has reason to know is (a) a lobbyist  
238 registered pursuant to Article 3 (§ 2.2-418 et seq.) of Chapter 4 of Title 2.2 or (b) a lobbyist's principal as  
239 defined in § 2.2-419.

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

244 "Immediate family" means (i) a spouse and (ii) any other person who resides in the same household as the

245 legislator and who is a dependent of the legislator.

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

247 "Personal interest" means a financial benefit or liability accruing to a legislator or to a member of his  
248 immediate family. Such interest shall exist by reason of (i) ownership in a business if the ownership interest  
249 exceeds three percent of the total equity of the business; (ii) annual income that exceeds, or may reasonably  
250 be anticipated to exceed, \$5,000 from ownership in real or personal property or a business; (iii) salary, other  
251 compensation, fringe benefits, or benefits from the use of property, or any combination thereof, paid or  
252 provided by a business or governmental agency that exceeds, or may reasonably be anticipated to exceed,  
253 \$5,000 annually; (iv) ownership of real or personal property if the interest exceeds \$5,000 in value and  
254 excluding ownership in a business, income, or salary, other compensation, fringe benefits or benefits from the  
255 use of property; (v) personal liability incurred or assumed on behalf of a business if the liability exceeds three  
256 percent of the asset value of the business; or (vi) an option for ownership of a business or real or personal  
257 property if the ownership interest will consist of clause (i) or (iv).

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

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

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