

2003 SESSION

INTRODUCED

035064836

HOUSE BILL NO. 2515

Offered January 8, 2003

Prefiled January 8, 2003

A BILL to amend and reenact § 30-111 of the Code of Virginia, relating to the General Assembly Conflicts of Interests Act; disclosure form.

Patrons—McDonnell, Griffith, Pollard and Rapp

Referred to Committee on Rules

Be it enacted by the General Assembly of Virginia:

1. That § 30-111 of the Code of Virginia is amended and reenacted as follows:

§ 30-111. Disclosure form.

A. The disclosure form to be used for filings required by subsections A and B of § 30-110 shall be substantially as follows:

STATEMENT OF ECONOMIC INTERESTS.

Name

Office or position held or sought

Home address

Names of members of immediate family

DEFINITIONS AND EXPLANATORY MATERIAL.

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

"Dependent" means any person, whether or not related by blood or marriage, who receives from the legislator, or provides to the legislator, more than one-half of his financial support.

"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" does not mean an association based on the receipt of retirement benefits or deferred compensation from a business by which the legislator is no longer employed. "Close financial association" does not include an association based on 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.

"Gift" means any gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item having monetary value. It includes services as well as gifts of transportation, local travel, lodgings and meals, whether provided in-kind, by purchase of a ticket, payment in advance or reimbursement after the expense has been incurred. "Gift" shall not include any offer of a ticket or other admission or pass unless the ticket, admission, or pass is used. "Gift" shall not include honorary degrees and presents from relatives. "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.

"Lobbyist relationship" means (i) an engagement, agreement, or representation that relates to legal services, consulting services,

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55 or public relations services, whether gratuitous or for
56 compensation, between a member or member-elect and any person who
57 is, or has been within the prior calendar year, registered as
58 a lobbyist with the Secretary of the Commonwealth, or (ii) a
59 greater than 3 percent ownership interest by a member or member-
60 elect in a business that employs, or engages as an independent
61 contractor, any person who is, or has been within the prior
62 calendar year, registered as a lobbyist with the Secretary of
63 the Commonwealth. The disclosure of a lobbyist relationship
64 shall not constitute a waiver of any attorney-client or other
65 privilege.

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

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

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

81 You may attach additional explanatory information.

82 1. Offices and Directorships.

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

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

86 2. Personal Liabilities.

87 Do you or a member of your immediate family owe more than
88 \$10,000 to any one creditor including contingent liabilities?
89 (Exclude debts to any government and loans secured by recorded
90 liens on property at least equal in value to the loan.)

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

92 3. Securities.

93 Do you or a member of your immediate family, directly or
94 indirectly, separately or together, own securities valued in
95 excess of \$10,000 invested in one business? Account for mutual
96 funds, limited partnerships and trusts.

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

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

99 During the past 12 months did you receive lodging,
100 transportation, money, or anything else of value with a
101 combined value exceeding \$200 for a single talk, meeting, or
102 published work in your capacity as a legislator?

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

104 5. Gifts.

105 During the past 12 months did a business, government, or
106 individual other than a relative or personal friend (i) furnish
107 you with any gift or entertainment at a single event, and the
108 value received by you exceeded \$50 in value or (ii) furnish you

109 with gifts or entertainment in any combination and the value
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received by you exceeded \$100 in total value; and for

which you neither paid nor rendered services in exchange?
Account for entertainment events only if the average value

per person attending the event exceeded \$50 in value.

Account for all business entertainment (except if related to
your private profession or occupation) 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 \$10,000 annually. (Exclude
state or local government or advisory agencies.)

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

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7. Business Interests and Lobbyist Relationships.

7A. Do you or a member of your immediate family, separately or
together, operate your own business, or own or control an
interest in excess of \$10,000 in a business?

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

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

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

8. Payments for Representation and Other Services.

8A. Did you represent any businesses before any state governmental
agencies, excluding courts or judges, for which you received
total compensation during the past 12 months in excess of
\$1,000, excluding compensation for other services to such
businesses and representation consisting solely of the filing
of mandatory papers and subsequent representation regarding
the mandatory papers?

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

8B. Subject to the same exceptions as in 8A, did persons with whom
you have a close financial association (partners, associates or
others) represent any businesses before any state governmental
agency for which total compensation was received during the
past 12 months in excess of \$1,000?

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

8C. Did you or persons with whom you have a close financial
association furnish services to businesses operating in
Virginia for which total compensation in excess of \$1,000 was
received during the past 12 months?

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 \$10,000 or more 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.

168 10. Real Estate Contracts with State Governmental Agencies.

169 Do you or a member of your immediate family hold an interest
170 valued at more than \$10,000 in real estate, including a
171 corporate, partnership, or trust interest, option, easement,
172 or land contract, which real estate is the subject of a
173 contract, whether pending or completed within the past 12
174 months, with a state governmental agency? If the real estate
175 contract provides for the leasing of the property to a state
176 governmental agency, do you or a member of your immediate
177 family hold an interest in the real estate, including a
178 corporate, partnership, or trust interest, option, easement,
179 or land contract valued at more than \$1,000? Account for all
180 such contracts whether or not your interest is reported in
181 Schedule F or H. This requirement to disclose an
182 interest in a lease does not apply to an interest derived
183 through an ownership interest in a business unless the ownership
184 interest exceeds three percent of the total equity of the
185 business.

186 EITHER check NO / / OR check YES / / and complete Schedule I.
187 Statements of Economic Interests are open for public inspection.

188 AFFIRMATION.

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

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

198 Signature

199 Commonwealth of Virginia

200 of to wit:

201 The foregoing disclosure form was acknowledged before me

202 This day of, 19. . ., by,

203 Notary Public

204 My commission expires

205 (Return only if needed to complete Statement.)

206 SCHEDULES

207 TO

208 STATEMENT OF ECONOMIC INTERESTS.

209 NAME

210 SCHEDULE A - OFFICES AND DIRECTORSHIPS.

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

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215 Name of Business Address of Business Position Held

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222 RETURN TO ITEM 2

223 SCHEDULE B - PERSONAL LIABILITIES.

224 Report personal liability by checking each category. Report only

debts in excess of \$10,000. Do not report debts to any government. Do not report loans secured by recorded liens on property at least equal in value to the loan.

Report contingent liabilities below and indicate which debts are contingent.

1. My personal debts are as follows:

Check appropriate categories	Check one \$10,001 to \$50,000	More than \$50,000
Banks
Savings institutions
Other loan or finance companies
Insurance companies
Stock, commodity or other brokerage companies
Other businesses:		
(State principal business activity for each creditor.)
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Individual creditors:		
(State principal business or occupation of each creditor.)
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2. The personal debts of the members of my immediate family are as follows:

Check appropriate categories	Check one \$10,001 to \$50,000	More than \$50,000
Banks
Savings institutions
Other loan or finance companies
Insurance companies
Stock, commodity or other brokerage companies
Other businesses:		
(State principal business activity for each creditor.)
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.....
Individual creditors:		
(State principal business or occupation of each creditor.)
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281 SCHEDULE C - SECURITIES.

282 "Securities" INCLUDES stocks, bonds, "Securities" EXCLUDES
 283 mutual funds, limited partnerships, certificates of deposit,
 284 and commodity futures contracts. money market funds, annuity
 285 contracts, and insurance
 286
 287 policies.

288 Identify each business or Virginia governmental entity in which you
 289 or a member of your immediate family, directly or indirectly,
 290 separately or together, own securities valued in excess of \$10,000.

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

296 If no reportable securities, check here / /.

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299	Type of Security		Check one	
300	(stocks, bonds,		\$10,001	More
301	Type of	mutual funds,	to	than
302	Name of Issuer	Entity etc.)	\$50,000	\$50,000

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309 RETURN TO ITEM 4

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

311 List each source from which you received during the past 12
 312 months lodging, transportation, money, or any other thing of
 313 value (excluding meals or drinks coincident with a meeting) with
 314 combined value exceeding \$200 for your presentation of a single
 315 talk, participation in one meeting, or publication of a work in
 316 your capacity as a legislator.

317 List payments or reimbursements by the Commonwealth only for
 318 meetings or travel outside the Commonwealth.

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

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

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

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327				Type of Payment
328				(e.g.,
329				Travel reim-
330	Payer	Approximate Value	Circumstances	bursment, etc.)

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337 RETURN TO ITEM 5

SCHEDULE E - GIFTS.

List each business, governmental entity, or individual that, during the past 12 months, (i) furnished you with any gift or entertainment at a single event and the value received by you exceeded \$50 in value, or (ii) furnished you with gifts or entertainment in any combination and the value received by you exceeded \$100 in total value; and for which you 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 in value. Do not list business entertainment related to your private profession or occupation. 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 (§ 24.2-900 et seq.) of Title 24.2 of the Code of Virginia.

Name of Business, Organization, or Individual	City or County and State	Gift or Event	Approximate Value
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RETURN TO ITEM 6

SCHEDULE F-1 - BUSINESS INTERESTS.

Complete this Schedule for each self-owned or family-owned business (including rental property, a farm, or consulting work), partnership, or corporation in which you or a member of your immediate family, separately or together, own an interest having a value in excess of \$10,000. If the enterprise is owned or operated under a trade, partnership, or corporate name, list that name; otherwise, merely explain the nature of the enterprise. If rental property is owned or operated under a trade, partnership, or corporate name, list the name only; otherwise, give the address of each property. Account for business interests held in trust.

Name of Business, Corporation, Partnership, Farm; Address of Rental Property	City or County and State	Nature of Enterprise (farming, law, rental property, etc.)	\$50,000 or less	Gross Income More than \$50,000
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RETURN TO ITEM 8

394 SCHEDULE F-2 - LOBBYIST RELATIONSHIPS.

395 Complete this Schedule for each lobbyist relationship with the
 396 following:

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

400 (ii) any business in which you have a greater than 3 percent
 401 ownership interest and that business employs, or engages as
 402 an independent contractor, any person who is, or has been
 403 within the prior calendar year, registered as a lobbyist with
 404 the Secretary of the Commonwealth,
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 407 List each person Describe each Dates of
 408 or business relationship relationship
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 417 NO DISCLOSURE MADE PURSUANT TO THIS SECTION SHALL CONSTITUTE A
 418 WAIVER OF ANY ATTORNEY-CLIENT OR OTHER PRIVILEGE.

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

420 List the businesses you represented before any state governmental
 421 agency, excluding any court or judge, for which you received
 422 total compensation during the past 12 months in excess of \$1,000,
 423 excluding compensation for other services to such businesses and
 424 representation consisting solely of the filing of mandatory
 425 papers and subsequent representation regarding the mandatory
 426 papers filed by you.

427 Identify each business, the nature of the representation and the
 428 amount received by dollar category from each such business. You
 429 may state the type, rather than name, of the business if you are
 430 required by law not to reveal the name of the business
 431 represented by you.
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 434 Name Type Pur- Name Amount Received
 435 of of pose of
 436 Busi- Busi- of Agen-
 437 ness ness Repre- cy \$1,001 \$10,001 \$50,001 \$100,001 \$250,001
 438 senta- to to to and
 439 tion \$10,000 \$50,000 \$100,000 \$250,000 over
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447 SCHEDULE G-2 - PAYMENTS FOR REPRESENTATION BY ASSOCIATES.

448 List the businesses that have been represented before any state
 449 governmental agency, excluding any court or judge, by persons who
 450 are your partners, associates or others with whom you have a

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462	Type of Business	Name of State Governmental Agency
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471 Indicate below types of businesses that operate in Virginia to
472 which services were furnished by you or persons with whom you
473 have a close financial association and for which total
474 compensation in excess of \$1,000 was received during the past 12
475 months.

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

		Check if ser- vices were ren- dered	Type of ser- vice ren- dered	\$1,001 to \$10,000	\$10,001 to \$50,000	\$50,001 to \$100,000	\$100,001 to \$250,000	\$250,001 and over
489	Electric	.....	.....	.....	.....	.....	.....	.....
490	utilities	.....	.....	.....	.....	.....	.....	.....
491	Gas util-	.....	.....	.....	.....	.....	.....	.....
492	ities	.....	.....	.....	.....	.....	.....	.....
493	Telephone	.....	.....	.....	.....	.....	.....	.....
494	utilities	.....	.....	.....	.....	.....	.....	.....
495	Water util-	.....	.....	.....	.....	.....	.....	.....
496	ities	.....	.....	.....	.....	.....	.....	.....
497	Cable tele-	.....	.....	.....	.....	.....	.....	.....
498	vision	.....	.....	.....	.....	.....	.....	.....
499	companies	.....	.....	.....	.....	.....	.....	.....
500	Interstate							
501								
502	transporta-							
503	tion com-							
504	panies	.....	.....	.....	.....	.....	.....	.....
505	Intrastate							
506	transporta-							

507 tion com-
508 panies
509 Oil or gas
510 retail com-
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512 Banks
513 Savings
514 insti-
515 tutions
516 Loan or fi-
517 nance com-
518 panies
519 Manufac-
520 turing com-
521 panies
522 (state type
523 of product,
524 e.g., tex-
525 tile, furni-
526 ture, etc.)
527 Mining com-
528 panies
529 Life insur-
530 ance com-
531 panies
532 Casualty in-
533 surance com-
534 panies
535 Other insur-
536 ance com-
537 panies
538 Retail com-
539 panies
540 Beer, wine
541 or liquor
542 companies
543 or distrib-
544 tors
545 Trade asso-
546 ciations
547 Profes-
548 sional asso-
549 ciations
550 Associa-
551 tions of
552 public em-
553 ployees or
554 officials
555 Counties,
556 cities or
557 towns
558 Labor or-
559 ganizations.....
560 Other
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RETURN TO ITEM 9

SCHEDULE H - REAL ESTATE.

List real estate other than your principal residence in which you or a member of your immediate family holds an interest, including a partnership interest, option, easement, or land contract, valued at \$10,000 or more. You may list each parcel of real estate individually if you wish.

List each location (state, and county or city) where you own real estate.	Describe the type of real estate you own in each location (business, recreational, apartment, commercial, open land, etc.).	If the real estate is owned or recorded in a name other than your own, list that name.
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RETURN TO ITEM 10

SCHEDULE I - REAL ESTATE CONTRACTS WITH STATE GOVERNMENTAL AGENCIES.

List all contracts, whether pending or completed within the past 12 months, with a state governmental agency for the sale or exchange of real estate in which you or a member of your immediate family holds an interest, including a corporate, partnership or trust interest, option, easement, or land contract, valued at \$10,000 or more. List all contracts with a state governmental agency for the lease of real estate in which you or a member of your immediate family holds such an interest valued at \$1,000 or more. This requirement to disclose an interest in a lease does not apply to an interest derived through an ownership interest in a business unless the ownership interest exceeds three percent of the total equity of the business.

List your real estate interest and the person or entity, including the type of entity, which is party to the contract. Describe any management role and the percentage ownership interest you or your immediate family member has in the real estate or entity.	List each governmental agency which is a party to the contract and indicate the county or city where the real estate is located.	State the annual income from the contract, and the amount, if any, of income you or any immediate family member derives annually from the contract.
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625 B. Any legislator who makes a knowing misstatement of a material fact on the Statement of
626 Economic Interests shall be subject to disciplinary action for such violations by the house in which the
627 legislator sits.

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

635 D. Ten percent of the membership of a house, on the basis of newly discovered facts, may in writing
636 request the house in which those members sit, in accordance with the rules of that house, to review the
637 Statement of Economic Interests of another member of that house in order to determine the adequacy of
638 his filing. In accordance with the rules of each house, each Statement of Economic Interests shall be
639 promptly reviewed, the adequacy of the filing determined, and notice given in writing to the legislator
640 whose Statement is in issue. Should it be determined that the Statement requires correction,
641 augmentation or revision, the legislator involved shall be directed to make the changes required within
642 such time as shall be set under the rules of each house.

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