2003 SESSION

ENROLLED

1	VIRGINIA ACTS OF ASSEMBLY — CHAPTER
2 3	An Act to amend and reenact § 30-111 of the Code of Virginia, relating to the General Assembly Conflicts of Interests Act; disclosure form.
4 5	[H 2515] [H 2515]
6 7 8	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.
9 10	A. The disclosure form to be used for filings required by subsections A and B of § 30-110 shall be substantially as follows:
11	STATEMENT OF ECONOMIC INTERESTS.
12	
13 14	Office or position held or sought Home address
15	Names of members of immediate family
16	DEFINITIONS AND EXPLANATORY MATERIAL.
17	"Immediate family" means (i) a spouse and (ii) any other person
18	residing in the same household as the legislator, who is a dependent
19	of the legislator or of whom the legislator is a dependent.
20	"Dependent" means any person, whether or not related by blood or
21	marriage, who receives from the legislator, or provides to the
22 23	legislator, more than one-half of his financial support.
23 24	"Business" means a corporation, partnership, sole proprietorship, firm, enterprise, franchise, association, trust or foundation, or
25	any other individual or entity carrying on a business or profession,
26	whether or not for profit.
27	
28	"Close financial association" does not mean an association based
29	on the receipt of retirement benefits or deferred compensation from
30	a business by which the legislator is no longer employed. "Close
31	financial association does not include an association based on the
32 33	receipt of compensation for work performed by the legislator as an independent contractor of a business that represents an entity
33 34	before any state governmental agency when the legislator has had no
35	communications with the state governmental agency.
36	"Gift" means any gratuity, favor, discount, entertainment,
37	hospitality, loan, forbearance, or other item having monetary value.
38	It includes services as well as gifts of transportation, local
39	travel, lodgings and meals, whether provided in-kind, by purchase
40	of a ticket, payment in advance or reimbursement after the expense
41	has been incurred. "Gift" shall not include any offer of a ticket
42 43	or other admission or pass unless the ticket, admission, or pass is
43 44	used. "Gift" shall not include honorary degrees and presents from relatives. "Relative" means the donee's spouse, child, uncle, aunt,
45	niece, or nephew; a person to whom the donee is engaged to be
46	married; the donee's or his spouse's parent, grandparent,
47	grandchild, brother, or sister; or the donee's brother's or
48	sister's spouse.
49	"Lobbyist relationship" means (i) an engagement, agreement, or
50	representation that relates to legal services, consulting services,
51	or public relations services, whether gratuitous or for
52	compensation, between a member or member-elect and any person who

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53 is, or has been within the prior calendar year, registered as 54 a lobbyist with the Secretary of the Commonwealth, or (ii) a 55 greater than three percent ownership interest by a member or member-56 elect in a business that employs, or engages as an independent 57 contractor, any person who is, or has been within the prior 58 calendar year, registered as a lobbyist with the Secretary of 59 the Commonwealth. The disclosure of a lobbyist relationship 60 shall not (i) constitute a waiver of any attorney-client or other 61 privilege, (ii) require a waiver of any attorney-client or other 62 privilege for a third party, or (iii) be required where a member 63 or member-elect is employed or engaged by a person and such person 64 also employs or engages a person in a lobbyist relationship so long 65 as the member or member-elect has no financial interest in the 66 lobbyist relationship. 67 68 TRUST. If you or your immediate family, separately or together, are 69 the only beneficiaries of a trust, treat the trust's assets as if 70 you own them directly. If you or your immediate family has a 71 proportional interest in a trust, treat that proportion of the 72 trust's assets as if you own them directly. For example, if you 73 and your immediate family have a one-third interest in a trust, 74 complete your Statement as if you own one-third of each of the 75 trust's assets. If you or a member of your immediate family created 76 a trust and can revoke it without the beneficiaries' consent, treat 77 its assets as if you own them directly. 78 79 REPORT TO THE BEST OF INFORMATION AND BELIEF. Information required 80 on this Statement must be provided on the basis of the best 81 knowledge, information and belief of the individual filing the 82 Statement as of the date of this report unless otherwise stated. 83 84 COMPLETE ITEMS 1 THROUGH 10. REFER TO SCHEDULES ONLY IF DIRECTED. 85 You may attach additional explanatory information. 86 Offices and Directorships. 1. 87 Are you or a member of your immediate family a paid officer or **88** paid director of a business? 89 EITHER check NO / / OR check YES / / and complete Schedule A. 90 2. Personal Liabilities. 91 Do you or a member of your immediate family owe more than 92 \$10,000 to any one creditor including contingent liabilities? 93 (Exclude debts to any government and loans secured by recorded 94 liens on property at least equal in value to the loan.) 95 EITHER check NO / / OR check YES / / and complete Schedule B. 96 3. Securities. 97 Do you or a member of your immediate family, directly or 98 indirectly, separately or together, own securities valued in 99 excess of \$10,000 invested in one business? Account for mutual 100 funds, limited partnerships and trusts. 101 EITHER check NO / / OR check YES / / and complete Schedule C. 102 Payments for Talks, Meetings, and Publications. 4. 103 During the past 12 months did you receive lodging, 104 transportation, money, or anything else of value with a 105 combined value exceeding \$200 for a single talk, meeting, or 106 published work in your capacity as a legislator? 107 EITHER check NO / / OR check YES / / and complete Schedule D. 108 5. Gifts.

109 During the past 12 months did a business, government, or 110 individual other than a relative or personal friend (i) furnish 111 you with any gift or entertainment at a single event, and the 112 value received by you exceeded \$50 in value or (ii) furnish you 113 114 with gifts or entertainment in any combination and the value 115 116 received by you exceeded \$100 in total value; and for 117 118 which you neither paid nor rendered services in exchange? 119 Account for entertainment events only if the average value 120 121 per person attending the event exceeded \$50 in value. 122 123 Account for all business entertainment (except if related to 124 125 your private profession or occupation) even if unrelated 126 127 to your official duties. 128 EITHER check NO / / OR check YES / / and complete Schedule E. 129 б. Salary and Wages. 130 List each employer that pays you or a member of your immediate 131 family salary or wages in excess of \$10,000 annually. (Exclude 132 state or local government or advisory agencies.) 133 If no reportable salary or wages, check here / /. 134 135 136 137 Business Interests and Lobbyist Relationships. 7. 138 7A. Do you or a member of your immediate family, separately or 139 together, operate your own business, or own or control an 140 interest in excess of \$10,000 in a business? 141 EITHER check NO / / OR check YES / / and complete Schedule F-1. 142 7B. Do you have a lobbyist relationship as that term is defined 143 above? 144 EITHER check NO / / OR check YES / / and complete Schedule F-2. 145 Payments for Representation and Other Services. 8. 146 8A. Did you represent any businesses before any state governmental 147 agencies, excluding courts or judges, for which you received 148 total compensation during the past 12 months in excess of 149 \$1,000, excluding compensation for other services to such 150 businesses and representation consisting solely of the filing 151 of mandatory papers and subsequent representation regarding 152 the mandatory papers? 153 EITHER check NO / / OR check YES / / and complete Schedule G-1. 154 8B. Subject to the same exceptions as in 8A, did persons with whom 155 you have a close financial association (partners, associates or 156 others) represent any businesses before any state governmental 157 agency for which total compensation was received during the 158 past 12 months in excess of \$1,000? 159 EITHER check NO / / OR check YES / / and complete Schedule G-2. 160 8C. Did you or persons with whom you have a close financial 161 association furnish services to businesses operating in 162 Virginia for which total compensation in excess of \$1,000 was 163 received during the past 12 months? 164 EITHER check NO / / OR check YES / / and complete Schedule G-3.

165	9. Real Estate.	
166	Do you or a member of your immediate family hold an interest,	
167 168	including a partnership interest, valued at \$10,000 or more in real property (other than your principal residence) for which	L
169	you have not already listed the full address on Schedule F?	
170	Account for real estate held in trust.	
171	EITHER check NO / / OR check YES / / and complete Schedule H.	
172	10. Real Estate Contracts with State Governmental Agencies.	
173	Do you or a member of your immediate family hold an interest	
174	valued at more than \$10,000 in real estate, including a	
175	corporate, partnership, or trust interest, option, easement,	
176	or land contract, which real estate is the subject of a	
177 178	contract, whether pending or completed within the past 12	
170 179	months, with a state governmental agency? If the real estate contract provides for the leasing of the property to a state	
180	governmental agency, do you or a member of your immediate	
181	family hold an interest in the real estate, including a	
182	corporate, partnership, or trust interest, option, easement,	
183	or land contract valued at more than \$1,000? Account for all	
184	such contracts whether or not your interest is reported in	
185	Schedule F or H. This requirement to disclose an	
186	interest in a lease does not apply to an interest derived	
187 188	through an ownership interest in a business unless the ownersh	ıр
189	interest exceeds three percent of the total equity of the business.	
190	EITHER check NO / / OR check YES / / and complete Schedule I.	
191		
192	Statements of Economic Interests are open for public inspection.	
193		
194 195	AFFIRMATION.	
195 196	In accordance with the rules of the house in which I serve, if I	
197	receive a request that this disclosure statement be corrected,	
198	augmented, or revised in any respect, I hereby pledge that I shall	
199	respond promptly to the request. I understand that if a	
200	determination is made that the statement is insufficient, I will	
201	satisfy such request or be subjected to disciplinary action of	
202	my house.	
203 204	I swear or affirm that the foregoing information is full, true and	1
204	correct to the best of my knowledge.	
206		
207	Signature	
208	Commonwealth of Virginia	
209	of to wit:	
210	The foregoing disclosure form was acknowledged before me	
211 212	This day of, 20, by	••,
212 213	Notary Public My commission expires	
213 214	(Return only if needed to complete Statement.)	
215	(
216	SCHEDULES	
217	ТО	
218	STATEMENT OF ECONOMIC INTERESTS.	
219		
220	NAME	

221 222 SCHEDULE A - OFFICES AND DIRECTORSHIPS. 223 224 Identify each business of which you or a member of 225 your immediate family is a paid officer or paid director. 226 _____ 227 _____ 228 Name of Business Address of Business Position Held 229 . 230 . 231 . 232 . 233 _____ 234 235 RETURN TO ITEM 2 236 SCHEDULE B - PERSONAL LIABILITIES. 237 238 Report personal liability by checking each category. Report only 239 debts in excess of \$10,000. Do not report debts to any 240 government. Do not report loans secured by recorded liens on 241 property at least equal in value to the loan. 242 243 Report contingent liabilities below and indicate which debts are 244 contingent. 245 1. My personal debts are as follows: 246 _____ 247 _____ 248 Check one Check 249 \$10,001 to More than appropriate 250 \$50,000 categories \$50,000 251 Banks 252 Savings institutions 253 Other loan or finance companies 254 Insurance companies 255 Stock, commodity or other brokerage 256 companies 257 Other businesses: 258 (State principal business activity 259 for each creditor.) 260 261 262 Individual creditors: 263 (State principal business or occupation 264 of each creditor.) 265 266 267 _____ 268 _____ 269 2. The personal debts of the members of my immediate family are 270 as follows: 271 _____ 272 273 Check Check one 274 appropriate \$10,001 to More than 275 categories \$50,000 \$50,000

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Banks

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Stock, commodi	ty or othe	r brokerage						
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of each cr	editor.)	-						
				TO ITEM 3				
SCHEDULE C - S	ECURITIES.							
"Securities" T	NCLUDES at	ocks, bonds, "Se	curities" EXC	LUDES				
		rtnerships,						
and commodity			money market	-				
1			ntracts, and is					
Identify each I	business o	r Virginia governmen	ntal entity in	which you				
	parately or together, own securities valued in excess of \$10,000. Do not list U.S. Bonds or other government securities not issued							
		Virginia or its aut						
		not list organizatic						
		nwealth, but most ma						
business in	Virginia.	Account for securiti	les nela in tr	ust.				
If no report	able secur	ities, check here /	/					
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		Type of Security (stocks, bonds,		More				
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ame of Issuer	Entity		\$50,000					
			RETURN	 TO ITEM 4				
CHEDULE D - PA		TALKS, MEETINGS, AN	RETURN	 TO ITEM 4				
	YMENTS FOR	TALKS, MEETINGS, AN	RETURN	TO ITEM 4 S.				
List each so	YMENTS FOR urce from	TALKS, MEETINGS, AN which you received d	RETURN ND PUBLICATION during the pas	TO ITEM 4 S. t 12				
List each so months lodgi	YMENTS FOR urce from ng, transp	TALKS, MEETINGS, AN	RETURN ND PUBLICATION during the pas any other thi	TO ITEM 4 S. t 12 ng of				

333 combined value exceeding \$200 for your presentation of a single 334 talk, participation in one meeting, or publication of a work in 335 your capacity as a legislator. List payments or reimbursements by 336 the Commonwealth only for meetings or travel outside the Commonwealth. 337 List a payment even if you donated it to charity. Do not list information 338 about a payment if you returned it within 60 days or if you received it 339 from an employer already listed under Item 6 or from a source of 340 income listed on Schedule F. 341 342 If no payment must be listed, check here / /. 343 344 345 346 347 Type of Payment 348 (e.g. Honoria, 349 Travel reim-350 Payer Approximate Value Circumstances bursement, etc.) 351 . 352 . 353 . 354 . 355 _____ 356 _____ 357 RETURN TO ITEM 5 358 359 SCHEDULE E - GIFTS. 360 361 List each business, governmental entity, or individual that, 362 during the past 12 months, (i) furnished you with any gift or 363 entertainment at a single event and the value received by 364 you exceeded \$50 in value, or (ii) furnished you with gifts or 365 entertainment in any combination and the value received by you 366 exceeded \$100 in total value; and for which you neither paid 367 nor rendered services in exchange. List each such gift or 368 event. Do not list entertainment events unless the average 369 value per person attending the event exceeded \$50 in value. 370 Do not list business entertainment related to your private 371 profession or occupation. Do not list gifts or other things 372 of value given by a relative or personal friend for reasons 373 clearly unrelated to your public position. Do not list 374 campaign contributions publicly reported as required by 375 Chapter 9 (§ 24.2-900 et seq.) of Title 24.2 of the Code 376 of Virginia. 377 _____ 378 _____ 379 Name of Business, City or 380 Organization, or Gift or County 381 Individual and State Event Approximate Value 382 . 383 . 384 . 385 . 386 387 _____ 388 RETURN TO ITEM 6

389 390 SCHEDULE F-1 - BUSINESS INTERESTS. 391 392 Complete this Schedule for each self-owned or family-owned business 393 (including rental property, a farm, or consulting work), 394 partnership, or corporation in which you or a member of your 395 immediate family, separately or together, own an interest having 396 a value in excess of \$10,000. If the enterprise is owned or operated 397 under a trade, partnership, or corporate name, list that name; otherwise, 398 merely explain the nature of the enterprise. If rental property is owned 399 or operated under a trade, partnership, or corporate name, list the name 400 only; otherwise, give the address of each property. Account for business 401 interests held in trust. 402 403 _____ 404 _____ 405 Name of Business, Gross Income 406 Corporation, \$50,000 More 407 Partnership, Nature of Enterprise **408** Farm; Address City or (farming, law, rental or than \$50,000 409 of Rental County and property, etc.) less 410 Property State 411 412 413 . 414 . 415 _____ 416 417 **RETURN TO ITEM 8** 418 419 SCHEDULE F-2 - LOBBYIST RELATIONSHIPS. 420 Complete this Schedule for each lobbyist relationship with the 421 following: 422 (i) any person who is, or has been within the prior calendar 423 year, registered as a lobbyist with the Secretary of the 424 Commonwealth, or 425 (ii) any business in which you have a greater than three percent 426 ownership interest and that business employs, or engages as 427 an independent contractor, any person who is, or has been 428 within the prior calendar year, registered as a lobbyist with 429 the Secretary of the Commonwealth. 430 _____ 431 _____ 432 List each person Describe each Dates of 433 or business relationship relationship 434 435 436 437 438 439 _____ 440 441 442 443 The disclosure of a lobbyist relationship shall not (i) constitute 444 A WAIVER OF ANY ATTORNEY-CLIENT OR OTHER PRIVILEGE, (II) REQUIRE A

445 WAIVER OF ANY ATTORNEY-CLIENT OR OTHER PRIVILEGE FOR A THIRD PARTY, 446 OR (III) BE REOUIRED WHERE A MEMBER OR MEMBER-ELECT IS EMPLOYED OR 447 ENGAGED BY A PERSON AND SUCH PERSON ALSO EMPLOYS OR ENGAGES A PERSON 448 IN A LOBBYIST RELATIONSHIP SO LONG AS THE MEMBER OR MEMBER-ELECT HAS 449 NO FINANCIAL INTEREST IN THE LOBBYIST RELATIONSHIP. 450 451 SCHEDULE G-1 - PAYMENTS FOR REPRESENTATION BY YOU. 452 453 List the businesses you represented before any state governmental 454 agency, excluding any court or judge, for which you received 455 total compensation during the past 12 months in excess of \$1,000, 456 excluding compensation for other services to such businesses and 457 representation consisting solely of the filing of mandatory 458 papers and subsequent representation regarding the mandatory 459 papers filed by you. 460 Identify each business, the nature of the representation and the 461 amount received by dollar category from each such business. You 462 may state the type, rather than name, of the business if you are 463 required by law not to reveal the name of the business 464 represented by you. 465 _____ 466 _____ 467 Name Type Pur-Name Amount Received 468 of of of pose 469 Busi- Busi- of Agen-470 ness ness Repre- cy \$1,001 \$10,001 \$50,001 \$100,001 \$250,001 471 sentato to to to and 472 tion \$10,000 \$50,000 \$100,000 \$250,000 over 473 474 475 476 477 478 479 480 **481** SCHEDULE G-2 - PAYMENTS FOR REPRESENTATION BY ASSOCIATES. 482 483 List the businesses that have been represented before any state 484 governmental agency, excluding any court or judge, by persons who 485 are your partners, associates or others with whom you have a 486 close financial association and who received total compensation 487 in excess of \$1,000 for such representation during the past 12 488 months, excluding representation consisting solely of the filing 489 of mandatory papers and subsequent representation regarding the 490 mandatory papers filed by your partners, associates or others 491 with whom you have a close financial association. 492 Identify such businesses by type and also name the state 493 governmental agencies before which such person appeared on behalf **494** of such businesses. **495** _____ 496 497 Type of Business Name of State Governmental Agency **498** 499 500

501 502 _____ 503 _____ 504 505 SCHEDULE G-3 - PAYMENTS FOR REPRESENTATION AND OTHER SERVICES 506 GENERALLY. 507 508 Indicate below types of businesses that operate in Virginia to 509 which services were furnished by you or persons with whom you 510 have a close financial association and for which total 511 compensation in excess of \$1,000 was received during the past 12 512 months. 513 514 Identify opposite each category of businesses listed below (i) 515 the type of business, (ii) the type of service rendered and (iii) 516 the value by dollar category of the compensation received for all 517 businesses falling within each category. 518 519 520 _____ 521 522 Value of Compensation Check Type 523 of if 524 serser-525 vices vice 526 were ren- \$1,001 \$10,001 \$50,001 \$100,001 \$250,001 527 ren- dered to to and to to 528 dered \$10,000 \$50,000 \$100,000 \$250,000 over 529 Electric 530 utilities 531 Gas util-532 ities 533 Telephone 534 utilities 535 Water util-536 ities 537 Cable tele-538 vision 539 companies 540 Interstate 541 542 transporta-543 tion com-544 panies 545 Intrastate 546 transporta-547 tion com-**548** panies 549 Oil or gas 550 retail com-551 panies 552 Banks 553 Savings 554 insti-555 tutions 556 Loan or fi-

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613 _____ 614 List each location Describe the type of If the real estate 615 (state, and county is owned or recorded real estate you own 616 or city) where you in each location in a name other than 617 own real estate. (business, recreational, your own, list that 618 apartment, commercial, name. 619 open land, etc.). **620** 621 622 623 **624** 625 _____ 626 _____ 627 RETURN TO ITEM 10 628 629 SCHEDULE I - REAL ESTATE CONTRACTS WITH STATE GOVERNMENTAL AGENCIES. 630 631 List all contracts, whether pending or completed within the past 632 12 months, with a state governmental agency for the sale or 633 exchange of real estate in which you or a member of your 634 immediate family holds an interest, including a corporate, 635 partnership or trust interest, option, easement, or land **636** contract, valued at \$10,000 or more. List all contracts with a 637 state governmental agency for the lease of real estate in which 638 you or a member of your immediate family holds such an interest 639 valued at \$1,000 or more. This requirement to disclose an **640** interest in a lease does not apply to an interest derived 641 through an ownership interest in a business unless the ownership interest exceeds three percent of the total equity of the 642 643 business. **644** 645 646 _____ 647 648 State the annual List your real List each 649 estate interest and governmental agency income from the 650 the person or entity, which is a party to contract, and the 651 including the type of the contract and amount, if any, 652 entity, which is indicate the county of income you or 653 party to the contract. or city where the any immediate 654 Describe any real estate is family member 655 management role and located. derives annually 656 from the contract. the percentage 657 ownership interest 658 you or your immediate 659 family member has in 660 the real estate 661 or entity. 662 663 **664** 665 666 **667** _____ 668 _____

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670 B. Any legislator who makes a knowing misstatement of a material fact on the Statement of671 Economic Interests shall be subject to disciplinary action for such violations by the house in which the672 legislator sits.

673 C. In accordance with the rules of each house, the Statement of Economic Interests of all members 674 of each house shall be reviewed. If a legislator's Statement is found to be inadequate as filed, the 675 legislator shall be notified in writing and directed to file an amended Statement correcting the indicated 676 deficiencies, and a time shall be set within which such amendment shall be filed. If the Statement of 677 Economic Interests, in either its original or amended form, is found to be adequate as filed, the 678 legislator's filing shall be deemed in full compliance with this section as to the information disclosed 679 thereon.

680 D. Ten percent of the membership of a house, on the basis of newly discovered facts, may in writing 681 request the house in which those members sit, in accordance with the rules of that house, to review the 682 Statement of Economic Interests of another member of that house in order to determine the adequacy of 683 his filing. In accordance with the rules of each house, each Statement of Economic Interests shall be promptly reviewed, the adequacy of the filing determined, and notice given in writing to the legislator **684** whose Statement is in issue. Should it be determined that the Statement requires correction, 685 augmentation or revision, the legislator involved shall be directed to make the changes required within 686 687 such time as shall be set under the rules of each house.

688 If a legislator, after having been notified in writing in accordance with the rules of the house in689 which he sits that his Statement is inadequate as filed, fails to amend his Statement so as to come into690 compliance within the time limit set, he shall be subject to disciplinary action by the house in which he

691 sits. No legislator shall vote on any question relating to his own Statement.