

# 2006 SESSION

INTRODUCED

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## SENATE BILL NO. 165

Offered January 11, 2006

Prefiled January 10, 2006

A *BILL to amend and reenact § 2.2-3117 of the Code of Virginia, relating to statements of economic interests; judges.*

Patron—Quayle

Referred to Committee for Courts of Justice

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

#### 1. That § 2.2-3117 of the Code of Virginia is amended and reenacted as follows:

§ 2.2-3117. Disclosure form.

The disclosure form to be used for filings required by § 2.2-3114 A and D, and § 2.2-3115 A and D 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 officer or employee, who is a dependent of the officer or employee or of whom the officer or employee is a dependent.

"Dependent" means any person, whether or not related by blood or marriage, who receives from the officer or employee, or provides to the officer or employee, 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 person filing this statement is no longer employed. "Close financial association" does not include an association based on the receipt of compensation for work performed by the person filing as an independent contractor of a business that represents an entity before any state governmental agency when the person filing has had no communications with the state governmental agency.

"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.

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

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

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

You may attach additional explanatory information.

#### 1. Offices and Directorships.

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

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

#### 2. Personal Liabilities.

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

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

62 3. Securities.

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

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

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

68 During the past 12 months did you receive lodging, transportation, money, or anything else of value  
69 with a combined value exceeding \$200 for a single talk, meeting, or published work in your capacity as  
70 an officer or employee of your agency?

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

72 5. Gifts.

73 During the past 12 months did a business, government, or individual other than a relative or personal  
74 friend (i) furnish you with any gift or entertainment at a single event, and the value received by you  
75 exceeded \$50 in value or (ii) furnish you with gifts or entertainment in any combination and the value  
76 received by you exceeded \$100 in total value; and for which you neither paid nor rendered services in  
77 exchange? Account for entertainment events only if the average value per person attending the event  
78 exceeded \$50 in value. Account for all business entertainment (except if related to your private  
79 profession or occupation) even if unrelated to your official duties.

80 EITHER check NO // OR check YES // and complete Schedule E.

81 6. Salary and Wages.

82 List each employer that pays you or a member of your immediate family salary or wages in excess  
83 of \$10,000 annually. (Exclude state or local government or advisory agencies.)

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

85 .....

86 .....

87 .....

88 7. Business Interests.

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

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

92 8. Payments for Representation and Other Services.

93 8A. Did you represent any businesses before any state governmental agencies, excluding courts or  
94 judges, for which you received total compensation during the past 12 months in excess of \$1,000,  
95 excluding compensation for other services to such businesses and representation consisting solely of the  
96 filing of mandatory papers and subsequent representation regarding the mandatory papers? (Officers and  
97 employees of local governmental and advisory agencies do NOT need to answer this question or  
98 complete Schedule G-1.)

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

100 8B. Subject to the same exceptions as in 8A, did persons with whom you have a close financial  
101 association (partners, associates or others) represent any businesses before any state governmental agency  
102 for which total compensation was received during the past 12 months in excess of \$1,000? (Officers and  
103 employees of local governmental and advisory agencies do NOT need to answer this question or  
104 complete Schedule G-2.)

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

106 8C. Did you or persons with whom you have a close financial association furnish services to  
107 businesses operating in Virginia for which total compensation in excess of \$1,000 was received during  
108 the past 12 months?

109 EITHER check NO // OR check YES // and complete Schedule G-3.

110 9. Real Estate.

111 9A. State Officers and Employees.

112 Do you or a member of your immediate family hold an interest, including a partnership interest,  
113 valued at \$10,000 or more in real property (other than your principal residence) for which you have not  
114 already listed the full address on Schedule F? Account for real estate held in trust.

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

116 9B. Local Officers and Employees.

117 Do you or a member of your immediate family hold an interest, including a partnership interest,  
118 valued at \$10,000 or more in real property located in the county, city or town in which you serve or in  
119 a county, city or town contiguous to the county, city or town in which you serve (other than your

principal residence) for which you have not already listed the full address on Schedule F? Account for real estate held in trust.

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

10. Real Estate Contracts with Governmental Agencies.

Do you or a member of your immediate family hold an interest valued at more than \$10,000 in real estate, including a corporate, partnership, or trust interest, option, easement, or land contract, which real estate is the subject of a contract, whether pending or completed within the past 12 months, with a governmental agency? If the real estate contract provides for the leasing of the property to a governmental agency, do you or a member of your immediate family hold an interest in the real estate valued at more than \$1,000? Account for all such contracts whether or not your interest is reported in Schedule F, H-1, or H-2. This requirement to disclose an interest in a lease does not apply to an interest derived through an ownership interest in a business unless the ownership interest exceeds three percent of the total equity of the business.

EITHER check NO // OR check YES // and complete Schedule I.

Statements of Economic Interests are open for public inspection. AFFIRMATION BY ALL FILERS.

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

Signature .....

Commonwealth of Virginia

..... of ..... to wit:

The foregoing disclosure form was acknowledged before me

This ..... day of ....., 20. . . , by .....

Notary Public

My commission expires .....

(Return only if needed to complete Statement.)

SCHEDULES

to

STATEMENT OF ECONOMIC INTERESTS.

NAME .....

SCHEDULE A - OFFICES AND DIRECTORSHIPS.

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

-----

-----

Name of Business	Address of Business	Position Held
-----	-----	-----
-----	-----	-----
-----	-----	-----
-----	-----	-----
-----	-----	-----
-----	-----	-----
-----	-----	-----

RETURN TO ITEM 2

SCHEDULE B - PERSONAL LIABILITIES.

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		

178 Other businesses:  
 179 (State principal business activity for each  
 180 creditor.)

181 \_\_\_\_\_  
 182 \_\_\_\_\_

183 Individual creditors:  
 184 (State principal business or  
 185 occupation of each creditor.)

186 \_\_\_\_\_  
 187 \_\_\_\_\_

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

189 -----  
 190 -----

191	Check	Check one
192	appropriate	\$10,001 to More than
193	categories	\$50,000 \$50,000

194 Banks  
 195 Savings institutions  
 196 Other loan or finance companies  
 197 Insurance companies  
 198 Stock, commodity or other brokerage  
 199 companies  
 200 Other businesses:  
 201 (State principal business activity  
 202 for each creditor.)

203 \_\_\_\_\_  
 204 \_\_\_\_\_

205 Individual creditors:  
 206 (State principal business or  
 207 occupation of each creditor.)

208 \_\_\_\_\_  
 209 \_\_\_\_\_

210 RETURN TO ITEM 3

211 SCHEDULE C - SECURITIES.

212 "Securities" INCLUDES stocks, bonds,	"Securities" EXCLUDES
213 mutual funds, limited partnerships,	certificates of deposit,
214 and commodity futures contracts.	money market funds, annuity
215 contracts, and insurance policies.	

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

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

224 If no reportable securities, check here / /.

225 -----  
 226 -----

227			Check	one
228		Type of Security		More
229	Type of	(stocks, bonds, mutual	\$10,001 to	than
230	Name of Issuer	Entity funds, etc.)	\$50,000	\$50,000

231	-----	-----	-----	-----
232	-----	-----	-----	-----
233	-----	-----	-----	-----
234	-----	-----	-----	-----

RETURN TO ITEM 4

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

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

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

List a payment even if you donated it to charity.

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

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

Payer	Approximate Value	Circumstances	Type of payment (e.g. honoraria, travel reimburse- ment, etc.)
-----	-----	-----	-----
-----	-----	-----	-----
-----	-----	-----	-----
-----	-----	-----	-----

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
-----	-----	-----	-----
-----	-----	-----	-----
-----	-----	-----	-----
-----	-----	-----	-----

RETURN TO ITEM 6

**SCHEDULE F - BUSINESS INTERESTS.**

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

294	Name of Business,			Gross income
295	Corporation,			
296	Partnership,		Nature of Enterprise	
297	Farm; Address of	City or County	(farming, law, rental	\$50,000
298	Rental Property	and State	property, etc.)	or less
299	-----	-----	-----	-----
300	-----	-----	-----	-----
301	-----	-----	-----	-----
302	-----	-----	-----	-----
303	-----	-----	-----	-----
304	-----	-----	-----	-----

RETURN TO ITEM 8

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

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

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

314 Only STATE officers and employees should complete this Schedule.

315	-----								
316	-----								
317	Amount Received								
318	Name	Type	Pur-	Name					
319	of	of	pose	of					
320	Busi-	Busi-	of	Agen-					
321	ness	ness	Repre-	cy	\$1,001	\$10,001	\$50,001	\$100,001	\$250,001
322			sent-		to	to	to	to	and
323			tion		\$10,000	\$50,000	\$100,000	\$250,000	over
324	-----	-----	-----	-----	-----	-----	-----	-----	-----
325	-----	-----	-----	-----	-----	-----	-----	-----	-----
326	-----	-----	-----	-----	-----	-----	-----	-----	-----
327	-----	-----	-----	-----	-----	-----	-----	-----	-----
328	-----								
329	-----								

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

331 List the businesses that have been represented before any state governmental agency, excluding any  
 332 court or judge, by persons who are your partners, associates or others with whom you have a close  
 333 financial association and who received total compensation in excess of \$1,000 for such representation  
 334 during the past 12 months, excluding representation consisting solely of the filing of mandatory papers  
 335 and subsequent representation regarding the mandatory papers filed by your partners, associates or others  
 336 with whom you have a close financial association.

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

339 Only STATE officers and employees should complete this Schedule.

340	-----	
341	-----	
342	Type of business	Name of state governmental agency
343	-----	-----
344	-----	-----
345	-----	-----
346	-----	-----
347	-----	
348	-----	

**SCHEDULE G-3 - PAYMENTS FOR SERVICES GENERALLY.**

350 Indicate below types of businesses that operate in Virginia to which services were furnished by you  
 351 or persons with whom you have a close financial association and for which total compensation in excess

of \$1,000 was received during the past 12 months.

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

		Value of Compensation				
Check	Type					
if	of					
ser-	ser-					
vices	vice					
were	ren-					
ren-	dered					
dered		\$1,001	\$10,001	\$50,001	\$100,001	\$250,001
		to	to	to	to	and
		\$10,000	\$50,000	\$100,000	\$250,000	over
Electric utilities						
Gas utilities						
Telephone utilities						
Water utilities						
Cable television						
companies						
Interstate						
transportation						
companies						
Intrastate						
transportation						
companies						
Oil or gas retail						
companies						
Banks						
Savings institutions						
Loan or finance						
companies						
Manufacturing						
companies (state						
type of product,						
e.g., textile,						
furniture, etc.)						
Mining companies						
Life insurance						
companies						
Casualty insurance						
companies						
Other insurance						
companies						
Retail companies						
Beer, wine or liquor						
companies or						
distributors						
Trade associations						
Professional						
associations						
Associations of						
public employees or						
officials						
Counties, cities or						

409 towns  
410 Labor organizations  
411 Other

RETURN TO ITEM 9

## 412 SCHEDULE H-1 - REAL ESTATE - STATE OFFICERS AND EMPLOYEES.

413 List real estate other than your principal residence in which you or a member of your immediate  
414 family holds an interest, including a partnership interest, option, easement, or land contract, valued at  
415 \$10,000 or more. You may list each parcel of real estate individually if you wish.

416 -----  
417 -----  
418 -----  
419 List each location Describe the type of real If the real estate is  
420 (state, and county estate you own in each owned or recorded in  
421 or city) where you location (business, recre- a name other than your  
422 own real estate. ational, apartment, com- own, list that name.  
423 mercial, open land, etc.).  
424 -----  
425 -----  
426 -----  
427 -----  
428 -----  
429 -----

## 430 SCHEDULE H-2 - REAL ESTATE - LOCAL OFFICERS AND EMPLOYEES.

431 List real estate located in your county, city, or town, and any contiguous county, city, or town other  
432 than your principal residence in which you or a member of your immediate family holds an interest,  
433 including a partnership interest, option, easement, or land contract, valued at \$10,000 or more. You may  
434 list each parcel of real estate individually if you wish.

435 -----  
436 -----  
437 -----  
438 List each location Describe the type of real If the real estate is  
439 (state, and county estate you own in each owned or recorded in  
440 or city (where you location (business, a name other than your  
441 own real estate. recreational, apartment, own, list that name.  
442 commercial, open land,  
443 etc.).  
444 -----  
445 -----  
446 -----  
447 -----  
448 -----  
449 -----  
450 -----

RETURN TO ITEM 10

## 451 SCHEDULE I - REAL ESTATE CONTRACTS WITH GOVERNMENTAL AGENCIES.

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

460 State officers and employees report contracts with state agencies.

461 Local officers and employees report contracts with local agencies.

462 -----  
463 -----  
464 -----  
465 List your real estate List each governmental State the annual  
466 interest and the agency which is a income from the



467	person or entity,	party to the contract	contract, and the
468	including the type	and indicate the	amount, if any, of
469	of entity, which	county or city where	income you or any
470	is party to	the real estate	immediate family
471	the contract.	is located.	member derives
472	Describe any		annually from the
473	management role and		contract.
474	the percentage		
475	ownership		
476	interest you or your		
477	immediate family		
478	member has in the real		
479	estate or entity.		
480	-----	-----	-----
481	-----	-----	-----
482	-----	-----	-----
483	-----	-----	-----
484	-----	-----	-----
485	-----	-----	-----
486	-----	-----	-----

487     *Notwithstanding the provisions of this section, justices of the Supreme Court of Virginia, judges of*  
488     *the Court of Appeals, judges of the various circuit courts, and judges of the various general district and*  
489     *juvenile and domestic relations district courts shall not be required to disclose the address or telephone*  
490     *number of their principal residence, or the names or occupations of any immediate family members on*  
491     *the statement of economic interests required by this article. Nothing in this section shall relieve any*  
492     *justice or judge from providing all other information required under this article, nor from the*  
493     *requirement to follow the canons of judicial conduct.*