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SENATE BILL NO. 165

Senate Amendments in [] — February 6, 2006

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

Patron Prior to Engrossment—Senator 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~~ 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.

Do you or a member of your immediate family owe more than \$10,000 to any one creditor including

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58 contingent liabilities? (Exclude debts to any government and loans secured by recorded liens on property
59 at least equal in value to the loan.)

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

61 3. Securities.

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

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

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

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

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

71 5. Gifts.

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

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

80 6. Salary and Wages.

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

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

84

85

86

87 7. Business Interests.

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

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

91 8. Payments for Representation and Other Services.

92 8A. Did you represent any businesses before any state governmental agencies, excluding courts or
93 judges, for which you received total compensation during the past 12 months in excess of \$1,000,
94 excluding compensation for other services to such businesses and representation consisting solely of the
95 filing of mandatory papers and subsequent representation regarding the mandatory papers? (Officers and
96 employees of local governmental and advisory agencies do NOT need to answer this question or
97 complete Schedule G-1.)

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

99 8B. Subject to the same exceptions as in 8A, did persons with whom you have a close financial
100 association (partners, associates or others) represent any businesses before any state governmental agency
101 for which total compensation was received during the past 12 months in excess of \$1,000? (Officers and
102 employees of local governmental and advisory agencies do NOT need to answer this question or
103 complete Schedule G-2.)

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

105 8C. Did you or persons with whom you have a close financial association furnish services to
106 businesses operating in Virginia for which total compensation in excess of \$1,000 was received during
107 the past 12 months?

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

109 9. Real Estate.

110 9A. State Officers and Employees.

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

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

115 9B. Local Officers and Employees.

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

Banks

Savings institutions

Other loan or finance companies

Insurance companies

Stock, commodity or other brokerage

companies

Other businesses:

178 (State principal business activity for each
179 creditor.)

180 _____
181 _____

182 Individual creditors:

183 (State principal business or
184 occupation of each creditor.)

185 _____
186 _____

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

188 -----
189 -----
190 Check Check one
191 appropriate \$10,001 to More than
192 categories \$50,000 \$50,000

193 Banks

194 Savings institutions

195 Other loan or finance companies

196 Insurance companies

197 Stock, commodity or other brokerage
198 companies

199 Other businesses:

200 (State principal business activity
201 for each creditor.)

202 _____
203 _____

204 Individual creditors:

205 (State principal business or
206 occupation of each creditor.)

207 _____
208 _____

209 RETURN TO ITEM 3

210 SCHEDULE C - SECURITIES.

211 "Securities" INCLUDES stocks, bonds,
212 mutual funds, limited partnerships,
213 and commodity futures contracts.
214 contracts, and insurance policies.

"Securities" EXCLUDES
certificates of deposit,
money market funds, annuity

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

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

223 If no reportable securities, check here / /.

224 -----
225 -----

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

230 -----
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 / /.

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

Name of Business,	Gross income
-------------------	--------------

294 Corporation,
 295 Partnership,
 296 Farm; Address of City or County Nature of Enterprise \$50,000 More than
 297 Rental Property and State property, etc.) or less \$50,000
 298 -----
 299 -----
 300 -----
 301 -----
 302 -----
 303 -----

304 RETURN TO ITEM 8

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

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

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

313 Only STATE officers and employees should complete this Schedule.

314 -----
 315 -----
 316 Amount Received
 317 Name Type Pur- Name
 318 of of pose of
 319 Busi- Busi- of Agen-
 320 ness ness Repre- cy \$1,001 \$10,001 \$50,001 \$100,001 \$250,001
 321 to to to to and
 322 tion \$10,000 \$50,000 \$100,000 \$250,000 over
 323 -----
 324 -----
 325 -----
 326 -----
 327 -----
 328 -----

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

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

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

338 Only STATE officers and employees should complete this Schedule.

339 -----
 340 -----
 341 Type of business Name of state governmental agency
 342 -----
 343 -----
 344 -----
 345 -----
 346 -----
 347 -----

348 SCHEDULE G-3 - PAYMENTS FOR SERVICES GENERALLY.

349 Indicate below types of businesses that operate in Virginia to which services were furnished by you
 350 or persons with whom you have a close financial association and for which total compensation in excess
 351 of \$1,000 was received during the past 12 months.

352 Identify opposite each category of businesses listed below (i) the type of business, (ii) the type of

353 service rendered and (iii) the value by dollar category of the compensation received for all businesses
 354 falling within each category.

355 -----
 356 -----

357 --

358				Value of Compensation				
359	Check	Type						
360	if	of						
361	ser-	ser-						
362	vices	vice						
363	were	ren-						
364	ren-	dered						
365	dered			\$1,001	\$10,001	\$50,001	\$100,001	\$250,001
366				to	to	to	to	and
367				\$10,000	\$50,000	\$100,000	\$250,000	over
368	Electric utilities							
369	Gas utilities							
370	Telephone utilities							
371	Water utilities							
372	Cable television							
373	companies							
374	Interstate							
375	transportation							
376	companies							
377	Intrastate							
378	transportation							
379	companies							
380	Oil or gas retail							
381	companies							
382	Banks							
383	Savings institutions							
384	Loan or finance							
385	companies							
386	Manufacturing							
387	companies (state							
388	type of product,							
389	e.g., textile,							
390	furniture, etc.)							
391	Mining companies							
392	Life insurance							
393	companies							
394	Casualty insurance							
395	companies							
396	Other insurance							
397	companies							
398	Retail companies							
399	Beer, wine or liquor							
400	companies or							
401	distributors							
402	Trade associations							
403	Professional							
404	associations							
405	Associations of							
406	public employees or							
407	officials							
408	Counties, cities or							

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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 -----
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429 -----
430 -----

431 SCHEDULE H-2 - REAL ESTATE - LOCAL OFFICERS AND EMPLOYEES.

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

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 -----
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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.]~~

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