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HOUSE BILL NO. 1936

Offered January 10, 2007 Prefiled January 4, 2007

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

Patron—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.

Na	ame	
	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" means an association in which the filer shares significant financial involvement with an individual and the filer would reasonably be expected to be aware of the individual's business activities and would have access to the necessary records either directly or through the individual. "Close financial association" does not mean an association based on (i) the receipt of retirement benefits or deferred compensation from a business by which the legislator is no longer employed, or (ii) 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.

"Contingent liability" means a liability that is not presently fixed or determined, but may become fixed or determined in the future with the occurrence of some certain event.

"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, or public relations services, whether gratuitous or for compensation, between a member or member-elect and any person who is, or has been within the prior calendar year, registered as a lobbyist with the Secretary of the Commonwealth, or (ii) a greater than three percent ownership interest by a member or member- elect in a business that employs, or engages as an independent contractor, any person who is, or has been within the prior calendar year, registered as a lobbyist with the Secretary of the Commonwealth. The disclosure of a lobbyist relationship shall not (i) constitute a waiver of any attorney-client or other privilege, (ii) require a waiver of any attorney-client or other privilege for a third party, or (iii) be required where a member or member-elect is employed or

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59 engaged by a person and such person also employs or engages a person in a lobbyist relationship so 60 long as the member or member-elect has no financial interest in the lobbyist relationship.

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.

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.

Personal Liabilities.

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

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

3. Securities.

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

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

Payments for Talks, Meetings, and Publications.

During the past 12 months did you receive lodging, transportation, money, or anything else of value with a combined value exceeding \$200 for a single talk, meeting, or published work in your capacity as a legislator? Do not include payments and reimbursements from the Commonwealth for meetings attended in your capacity as a legislator; se-

e Question 11 and Schedule J to report such meetings. EITHER check NO / / OR check YES / / and complete Schedule D.

5. Gifts.

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

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.

109 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.)

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- 117 7. Business Interests and Lobbyist Relationships.
- 118 7A. Do you or a member of your immediate family, separately or together, 119 operate your own business, or own or control an interest in excess of 120 \$10,000 in a business?

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

- 122 7B. Do you have a lobbyist relationship as that term is defined above?
 123 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 pursuant to an agreement between you and such businesses, or between persons with whom you have a close financial association and such businesses 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.

10. Real Estate Contracts with State 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 state governmental agency? If the real estate contract provides for the leasing of the property to a state governmental agency, do you or a member of your immediate family hold an interest in the real estate, including a corporate, partnership, or trust interest, option, easement, or land contract valued at more than \$1,000? Account for all such contracts whether or not your interest is reported in Schedule F or H. This requirement 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.

11. Payments by the Commonwealth for Meetings.

170 During the past 12 months did you receive lodging, transportation,
171 money, or anything else of value with a combined value exceeding \$200
172 from the Commonwealth for a single meeting attended out-of-state in

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categories

		legislator? Do not include etings attended in the Comm	
St		OR check YES / / and complianterests are open for public	
		AFFIRMATION.	
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		led to complete Statement.)	
		SCHEDULES	
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	is a paid officer	ess of which you or a member	
		Address of Business	
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_	CHEDULE B - PERSONAL LI Eport personal liabilit excess of \$10,000. Do loans secured by reco loan. Report contingent lia	ABILITIES. y by checking each category not report debts to any go	RETURN TO ITEM 2 v. Report only debts in overnment. Do not report least equal in value to the
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227	Savings institutions			
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229	Insurance companies			
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233	(State principal business activity for ea	ch		
234	creditor.)			
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237	Individual creditors:			
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259	Individual creditors:			
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261	occupation of each creditor.)			
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265 266				
267			RET	JRN TO ITEM 3
268	SCHEDULE C - SECURITIES.			
269	Securities" INCLUDES stocks, bonds,	"Securi	ties" EXCLU	DES
270	mutual funds, limited partnerships,	cert	ificates of	deposit,
271	and commodity futures contracts.	mone	y market fu	nds, annuity
272		cont	racts, and	insurance
273		poli	cies.	
274	Identify each business or Virginia governme			
275	member of your immediate family, directly			
276	together, own securities valued in excess	of \$10,	000. Name ea	ach entity
277	and type of security individually.			
278	Do not list U.S. Bonds or other govern			
279	the Commonwealth of Virginia or its au			
280	governments. Do not list organizations			
281	Commonwealth, but most major businesse	s conduc	t business	ın virginia.

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					\$10,000 or less	More than \$10,001
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        SCHEDULE G-2 - PAYMENTS FOR REPRESENTATION BY ASSOCIATES.
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          List the businesses that have been represented before any state
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          governmental agency, excluding any court or judge, by persons who are
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          your partners, associates or others with whom you have a close financial
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          association and who received total compensation in excess of $1,000 for
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          such representation during the past 12 months, excluding representation
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          consisting solely of the filing of mandatory papers and subsequent
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          representation regarding the mandatory papers filed by your partners,
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          associates or others with whom you have a close financial association.
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          Identify such businesses by type and also name the state governmental
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          agencies before which such person appeared on behalf of such businesses.
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467
         Type of Business
                                 Name of State Governmental Agency
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        SCHEDULE G-3 - PAYMENTS FOR REPRESENTATION AND OTHER SERVICES GENERALLY.
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         Indicate below types of businesses that operate in Virginia to which
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           services were furnished by you or persons with whom you have a close
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           financial association pursuant to an agreement between you and such
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           businesses, or between persons with whom you have a close financial
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           association and such businesses and for which total compensation in
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           excess of $1,000 was received during the past 12 months.
484
           Identify opposite each category of businesses listed below (i) the type
485
           of business, (ii) the type of service rendered and (iii) the value by
486
           dollar category of the compensation received for all businesses falling
487
           within each category.
488
489
490
491
                                                              Value of Compensation
492
                          Check Type
493
                          if
                                of
494
                          ser-
                                ser-
495
                          vices vice
496
                          were ren- $1,001
                                               $10,001 $50,001 $100,001 $250,001
497
                         ren-
                                       to
                                                 to
                                                          to
                                                                    to
498
                                       $10,000 $50,000 $100,000 $250,000 over
                         dered
499
     Electric utilities -----
500
     Gas utilities
501
     Telephone utilities ----
502
     Water utilities
503
     Cable television
504
        companies
505
     Interstate
506
        transportation
```

507

companies

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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 towns							
Labor organization	s						
Other							
						RETURN	
SCHEDULE H - REAL E	פידעיד					ICE I OICIN	- O TIPI
List real estate		than	VOUR DE	incipal re	sidence	in which	vou or
HIDE ICUI COLAL							
member of vour							•
member of your		ontid	n eager	ment or 1	and cont	ract wal	ned at
partnership in	terest,						
partnership in \$10,000 or more	terest,						
partnership in	terest, e. You m	may li	ist each	parcel of	real es	tate indi	viduall

CHEDULE I - REAL ESTATE CON List all contracts, whether months, with a state gove estate in which you or a interest, including a contract, or land contract, contracts with a state of in which you or a member of valued at \$1,000 or more alease does not apply to interest in a business of the total equation.	NTRACTS WITH STATE GOVERNMENT or pending or completed with vernmental agency for the same member of your immediate for porate, partnership or true act, valued at \$10,000 or more governmental agency for the profit of your immediate family has the contract derived through an interest	RETURN TO ITEM 1 TTAL AGENCIES. Ain the past 12 Ale or exchange of refamily holds an ast interest, option, ore. List all lease of real estate all such an interest in a an ownership at exceeds three
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, contract income you or any immediate family member derives annually from the contract.
SCHEDULE J - PAYMENTS BY THE List each meeting for whe reimbursements during the rtation, money, or any other meals or drinks coince exceeding \$200 for you legislator. Do not le	hich the Commonwealth provid the past 12 months to you fo	ded payments or or or or lodging, transcript transcript as a set of the contract of the contra

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

- B. Any legislator who makes a knowing misstatement of a material fact on the Statement of Economic Interests shall be subject to disciplinary action for such violations by the house in which the legislator sits.
- C. In accordance with the rules of each house, the Statement of Economic Interests of all members of each house shall be reviewed. If a legislator's Statement is found to be inadequate as filed, the legislator shall be notified in writing and directed to file an amended Statement correcting the indicated deficiencies, and a time shall be set within which such amendment shall be filed. If the Statement of Economic Interests, in either its original or amended form, is found to be adequate as filed, the legislator's filing shall be deemed in full compliance with this section as to the information disclosed thereon.
- D. Ten percent of the membership of a house, on the basis of newly discovered facts, may in writing request the house in which those members sit, in accordance with the rules of that house, to review the Statement of Economic Interests of another member of that house in order to determine the adequacy of 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 whose Statement is in issue. Should it be determined that the Statement requires correction, augmentation or revision, the legislator involved shall be directed to make the changes required within such time as shall be set under the rules of each house.
- If a legislator, after having been notified in writing in accordance with the rules of the house in which he sits that his Statement is inadequate as filed, fails to amend his Statement so as to come into compliance within the time limit set, he shall be subject to disciplinary action by the house in which he sits. No legislator shall vote on any question relating to his own Statement.