

072659480

HOUSE BILL NO. 1936

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Rules

on January 17, 2007)

(Patron Prior to Substitute—Delegate Rapp)

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

Be it enacted by the General Assembly of Virginia:

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

§ 30-111. Disclosure form.

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

STATEMENT OF ECONOMIC INTERESTS.

Name
Office or position held or sought
Home address
Names of members of immediate family

DEFINITIONS AND EXPLANATORY MATERIAL.

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

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

"Business" means a corporation, partnership, sole proprietorship, firm, enterprise, franchise, association, trust or foundation, or any other individual or entity carrying on a business or profession, whether or not for profit.

"Close financial association" 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 engaged by a person and such person also employs or engages a person in a lobbyist relationship so 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,

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

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

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

69 You may attach additional explanatory information.

70 1. Offices and Directorships.

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

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

74 2. Personal Liabilities.

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

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

80 3. Securities.

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

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

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

87 During the past 12 months did you receive lodging, transportation,
88 money, or anything else of value with a combined value exceeding \$200
89 for a single talk, meeting, or published work in your capacity as a
90 legislator? *Do not include payments and reimbursements from the*
91 *Commonwealth for meetings attended in your capacity as a legislator;*
92 *see Question 11 and Schedule J to report such meetings.*

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

94 5. Gifts.

95 During the past 12 months did a business, government, or individual
96 other than a relative or personal friend (i) furnish you with any gift
97 or entertainment at a single event, and the value received by you
98 exceeded \$50 in value or (ii) furnish you with gifts or entertainment
99 in any combination and the value received by you exceeded \$100 in
100 total value; and for which you neither paid nor rendered services in
101 exchange?

102 Account for entertainment events only if the average value per person
103 attending the event exceeded \$50 in value. Account for all business
104 entertainment (except if related to your private profession or
105 occupation) even if unrelated to your official duties.

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

107 6. Salary and Wages.

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

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

112
113
114

115 7. Business Interests and Lobbyist Relationships.

116 7A. Do you or a member of your immediate family, separately or together,

- 117 operate your own business, or own or control an interest in excess of
118 \$10,000 in a business?
119 EITHER check NO / / OR check YES / / and complete Schedule F-1.
- 120 7B. Do you have a lobbyist relationship as that term is defined above?
121 EITHER check NO / / OR check YES / / and complete Schedule F-2.
- 122 8. Payments for Representation and Other Services.
- 123 8A. Did you represent any businesses before any state governmental
124 agencies, excluding courts or judges, for which you received total
125 compensation during the past 12 months in excess of \$1,000, excluding
126 compensation for other services to such businesses and representation
127 consisting solely of the filing of mandatory papers and subsequent
128 representation regarding the mandatory papers?
129 EITHER check NO / / OR check YES / / and complete Schedule G-1.
- 130 8B. Subject to the same exceptions as in 8A, did persons with whom you
131 have a close financial association (partners, associates or others)
132 represent any businesses before any state governmental agency for
133 which total compensation was received during the past 12 months in
134 excess of \$1,000?
135 EITHER check NO / / OR check YES / / and complete Schedule G-2.
- 136 8C. Did you or persons with whom you have a close financial association
137 furnish services to businesses operating in Virginia pursuant to an
138 agreement between you and such businesses, or between persons with
139 whom you have a close financial association and such businesses for
140 which total compensation in excess of \$1,000 was received during the
141 past 12 months?
142 EITHER check NO / / OR check YES / / and complete Schedule G-3.
- 143 9. Real Estate.
- 144 Do you or a member of your immediate family hold an interest, including
145 a partnership interest, valued at \$10,000 or more in real property
146 (other than your principal residence) for which you have not already
147 listed the full address on Schedule F? Account for real estate held
148 in trust.
149 EITHER check NO / / OR check YES / / and complete Schedule H.
- 150 10. Real Estate Contracts with State Governmental Agencies.
- 151 Do you or a member of your immediate family hold an interest valued at
152 more than \$10,000 in real estate, including a corporate, partnership,
153 or trust interest, option, easement, or land contract, which real
154 estate is the subject of a contract, whether pending or
155 completed within the past 12 months, with a state governmental agency?
156 If the real estate contract provides for the leasing of the property
157 to a state governmental agency, do you or a member of your immediate
158 family hold an interest in the real estate, including a corporate,
159 partnership, or trust interest, option, easement, or land contract
160 valued at more than \$1,000? Account for all such contracts whether
161 or not your interest is reported in Schedule F or H. This requirement
162 an interest derived through an ownership interest in a business unless
163 the ownership interest exceeds three percent of the total equity of the
164 business.
165 EITHER check NO / / OR check YES / / and complete Schedule I.
- 166
- 167 11. *Payments by the Commonwealth for Meetings.*
- 168 *During the past 12 months did you receive lodging, transportation,*
169 *money, or anything else of value with a combined value exceeding*
170 *\$200 from the Commonwealth for a single meeting attended out-of-state*
171 *in your capacity as a legislator? Do not include reimbursements from*
172 *the Commonwealth for meetings attended in the Commonwealth.*

173 *EITHER check NO / / OR check YES / / and complete Schedule D-2.*

174 Statements of Economic Interests are open for public inspection.

175 AFFIRMATION.

176 In accordance with the rules of the house in which I serve, if I receive a
 177 request that this disclosure statement be corrected, augmented, or revised
 178 in any respect, I hereby pledge that I shall respond promptly to the
 179 request. I understand that if a determination is made that the
 180 statement is insufficient, I will satisfy such request or be subjected
 181 to disciplinary action of my house.

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

184 Signature _____

185 Commonwealth of Virginia

186 _____ of _____ to wit:

187 The foregoing disclosure form was acknowledged before me

188 This _____ day of _____, 20____, by _____

189 Notary Public

190 My commission expires _____

191 (Return only if needed to complete Statement.)

192 SCHEDULES

193 to

194 STATEMENT OF ECONOMIC INTERESTS.

195 NAME

196 SCHEDULE A - OFFICES AND DIRECTORSHIPS.

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

199	-----	-----	-----
200	-----	-----	-----
201	-----	-----	-----
202	Name of Business	Address of Business	Position Held
203	-----	-----	-----
204	-----	-----	-----
205	-----	-----	-----
206	-----	-----	-----
207	-----	-----	-----
208	-----	-----	-----

209 RETURN TO ITEM 2

210 SCHEDULE B - PERSONAL LIABILITIES.

211 Report personal liability by checking each category. Report only debts in
 212 excess of \$10,000. Do not report debts to any government. Do not report
 213 loans secured by recorded liens on property at least equal in value to the
 214 loan.

215 Report contingent liabilities below and indicate which debts are
 216 contingent.

217 1. My personal debts are as follows:

218	-----	-----	-----
219	-----	-----	-----
220	Check	Check one	
221	appropriate	\$10,001 to	More than
222	categories	\$50,000	\$50,000
223	Banks	-----	-----
224	Savings institutions	-----	-----
225	Other loan or finance companies	-----	-----

226 Insurance companies -----
 227 Stock, commodity or other brokerage -----
 228 companies -----
 229 Other businesses:
 230 (State principal business activity for each
 231 creditor.) -----
 232 -----
 233 -----
 234 Individual creditors:
 235 (State principal business or
 236 occupation of each creditor.) -----
 237 -----
 238 -----

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

240 -----
 241 -----
 242 Check Check one
 243 appropriate \$10,001 to More than
 244 categories \$50,000 \$50,000
 245 Banks -----
 246 Savings institutions -----
 247 Other loan or finance companies -----
 248 Insurance companies -----
 249 Stock, commodity or other brokerage -----
 250 companies -----
 251 Other businesses:
 252 (State principal business activity
 253 for each creditor.) -----
 254 -----
 255 -----
 256 Individual creditors:
 257 (State principal business or
 258 occupation of each creditor.) -----
 259 -----
 260 -----
 261 -----
 262 -----

264 RETURN TO ITEM 3

265 SCHEDULE C - SECURITIES.

266 "Securities" INCLUDES stocks, bonds,
 267 mutual funds, limited partnerships,
 268 and commodity futures contracts.

"Securities" EXCLUDES
 certificates of deposit,
 money market funds, annuity
 contracts, and insurance
 policies.

271 Identify each business or Virginia governmental entity in which you or a
 272 member of your immediate family, directly or indirectly, separately or
 273 together, own securities valued in excess of \$10,000. Name each entity
 274 and type of security individually.

275 Do not list U.S. Bonds or other government securities not issued by
 276 the Commonwealth of Virginia or its authorities, agencies, or local
 277 governments. Do not list organizations that do not do business in this
 278 Commonwealth, but most major businesses conduct business in Virginia.
 279 Account for securities held in trust.

280 If no reportable securities, check here / /.
 281 -----

			Check one		
		Type of Security			
Name of Issuer	Type of Entity	(stocks, bonds, mutual funds, etc.)	\$10,001 to \$50,000	\$50,001 to \$250,000	More than \$250,000
-----	-----	-----	-----	-----	-----
-----	-----	-----	-----	-----	-----
-----	-----	-----	-----	-----	-----
-----	-----	-----	-----	-----	-----

RETURN TO ITEM 4

SCHEDULE D-1 - 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 a combined value exceeding \$200 for your presentation of a single talk, participation in one meeting, or publication of a work in your capacity as a legislator. ~~List Do not list payments or reimbursements by the Commonwealth only for meetings or travel outside the Commonwealth.~~ (See Schedule D-2 for such payments or reimbursements.) 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 reimbursement, etc.)
-----	-----	-----	-----
-----	-----	-----	-----
-----	-----	-----	-----
-----	-----	-----	-----

RETURN TO ITEM 5

SCHEDULE D-2 - PAYMENTS BY THE COMMONWEALTH FOR MEETINGS.

List each meeting for which the Commonwealth provided payments or reimbursements during the past 12 months to you for lodging, transportation, money, or any other thing of value (excluding meals or drinks coincident with a meeting) with a combined value exceeding \$200 for your participation in your capacity as a legislator. Do not list payments or reimbursements by the Commonwealth for meetings or travel within the Commonwealth.

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

Type of payment (e.g., honoraria, travel reimburse-

Payer	Approximate Value	Circumstances	ment, etc.)
-----	-----	-----	-----
-----	-----	-----	-----
-----	-----	-----	-----
-----	-----	-----	-----
-----	-----	-----	-----

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 9.3 (§ 24.2-945 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-1 - BUSINESS INTERESTS.

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

Name of Business, Corporation, Partnership, Farm;	Nature of Enterprise (farming, law, rental property,	Gross income
Address of	City or	\$50,000
Rental	County	or less
		\$50,001
		to
		More
		than

395 Property and State etc.) \$250,000 \$250,000

396 -----

397 -----

398 -----

399 -----

400 -----

401 -----

402 RETURN TO ITEM 8

403 SCHEDULE F-2 - LOBBYIST RELATIONSHIPS AND PAYMENTS.

404 Complete this Schedule for each lobbyist relationship with the following:

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

407 (ii) any business in which you have a greater than three percent
408 ownership interest and that business employs, or engages as an
409 independent contractor, any person who is, or has been within the prior
410 calendar year, registered as a lobbyist with the Secretary of the
411 Commonwealth.

412 -----

413 -----

414 List each person Describe each Dates of Payments to
415 or business relationship relationship Lobbyist

416

417 \$10,000 More than

418 or less \$10,001

419

420 -----

421 -----

422 -----

423 -----

424 -----

425

426 -----

427 -----

428

429 THE DISCLOSURE OF A LOBBYIST RELATIONSHIP SHALL NOT (I) CONSTITUTE A
430 WAIVER OF ANY ATTORNEY-CLIENT OR OTHER PRIVILEGE, (II) REQUIRE A WAIVER OF
431 ANY ATTORNEY-CLIENT OR OTHER PRIVILEGE FOR A THIRD PARTY, OR (III) BE
432 REQUIRED WHERE A MEMBER OR MEMBER-ELECT IS EMPLOYED OR ENGAGED BY A
433 PERSON AND SUCH PERSON ALSO EMPLOYS OR ENGAGES A PERSON IN A LOBBYIST
434 RELATIONSHIP SO LONG AS THE MEMBER OR MEMBER-ELECT HAS NO FINANCIAL
435 INTEREST IN THE LOBBYIST RELATIONSHIP.

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

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

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

447 -----

448 -----

449

450 Amount Received

451

Name of Business	Type of Business	Purpose of Representation	Name of Agency	\$1,001 to \$10,000	\$10,001 to \$50,000	\$50,001 to \$100,000	\$100,001 to \$250,000	\$250,001 and over
-----	-----	-----	-----	-----	-----	-----	-----	-----
-----	-----	-----	-----	-----	-----	-----	-----	-----
-----	-----	-----	-----	-----	-----	-----	-----	-----
-----	-----	-----	-----	-----	-----	-----	-----	-----
-----	-----	-----	-----	-----	-----	-----	-----	-----
-----	-----	-----	-----	-----	-----	-----	-----	-----

If you have received \$250,001 or more from a single business within the reporting period, indicate the amount received, rounded to the nearest \$10,000. Amount Received:_____.

SCHEDULE G-2 - PAYMENTS FOR REPRESENTATION BY ASSOCIATES.

List the businesses that have been represented before any state governmental agency, excluding any court or judge, by persons who are your partners, associates or others with whom you have a close financial association and who received total compensation in excess of \$1,000 for such representation during the past 12 months, excluding representation consisting solely of the filing of mandatory papers and subsequent representation regarding the mandatory papers filed by your partners, associates or others with whom you have a close financial association. Identify such businesses by type and also name the state governmental agencies before which such person appeared on behalf of such businesses.

Type of Business	Name of State Governmental Agency
-----	-----
-----	-----
-----	-----
-----	-----

SCHEDULE G-3 - PAYMENTS FOR REPRESENTATION AND OTHER SERVICES GENERALLY.

Indicate below types of businesses that operate in Virginia to which services were furnished by you or persons with whom you have a close financial association pursuant to an agreement between you and such businesses, or between persons with whom you have a close financial association and such businesses 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.

SCHEDULE H - REAL ESTATE.

List each location (state, and county or city) where you own real estate.	Describe the type of real estate you own in each location (business, recre- ational, apartment, com- mercial, open land, etc.).	If the real estate is owned or recorded in a name other than your own, list that name.
--	---	--

SCHEDULE I - REAL ESTATE CONTRACTS WITH STATE GOVERNMENTAL AGENCIES.

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

List your real estate interest and the person or entity, including the type of entity, which is party to the contract. Describe any management role and the percentage ownership interest you or your immediate family member has in the real estate or entity.	List each governmental agency which is a party to the contract and indicate the county or city where the real estate is located.	State the annual income from the contract, and the amount, if any, of income you or any immediate family member derives annually from the contract.
---	--	---

621 -----
622 -----
623 -----
624 -----
625 -----
626 -----
627 -----

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

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

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

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