2007 SESSION

	073153432									
1	HOUSE BILL NO. 2065									
	Offered January 10, 2007									
2 3	Prefiled January 8, 2007									
4	A BILL to amend and reenact § 30-111 of the Code of Virginia, relating to the General Assembly									
5	Conflicts of Interests Act; disclosure form.									
6										
-	Patron—Nixon									
7 8	Referred to Committee on Rules									
9										
10	Be it enacted by the General Assembly of Virginia:									
11	1. That § 30-111 of the Code of Virginia is amended and reenacted as follows:									
12	§ 30-111. Disclosure form.									
13	A. The disclosure form to be used for filings required by subsections A and B of § 30-110 shall be									
14	substantially as follows:									
15	STATEMENT OF ECONOMIC INTERESTS.									
16	Name									
17	Office or position held or sought									
18	Home address									
19 20	Names of members of immediate family DEFINITIONS AND EXPLANATORY MATERIAL.									
20 21	"Immediate family" means (i) a spouse and (ii) any other person residing in the same household as									
22	the legislator, who is a dependent of the legislator or of whom the legislator is a dependent.									
$\overline{23}$	"Dependent" means any person, whether or not related by blood or marriage, who receives from the									
24	legislator, or provides to the legislator, more than one-half of his financial support.									
25	"Business" means a corporation, partnership, sole proprietorship, firm, enterprise, franchise,									
26	association, trust or foundation, or any other individual or entity carrying on a business or profession,									
27 28	whether or not for profit.									
20 29	"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									
3 0	individual's business activities and would have access to the necessary records either directly or through									
31	the individual. "Close financial association" does not mean an association based on (i) the receipt of									
32	retirement benefits or deferred compensation from a business by which the legislator is no longer									
33	employed or (ii) the receipt of compensation for work performed by the legislator as an independent									
34	contractor of a business that represents an entity before any state governmental agency when the									
35	legislator has had no communications with the state governmental agency.									
36 37	"Contingent liability" means a liability that is not presently fixed or determined, but may become fixed or determined in the future with the occurrence occurrence of some certain event.									
38	"Gift" means any gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item									
39	having monetary value. It includes services as well as gifts of transportation, local travel, lodgings and									
40	meals, whether provided in-kind, by purchase of a ticket, payment in advance or reimbursement after the									
41	expense has been incurred. "Gift" shall not include any offer of a ticket or other admission or pass									
42	unless the ticket, admission, or pass is used. "Gift" shall not include honorary degrees and presents from									
43 44	relatives. "Relative" means the donee's spouse, child, uncle, aunt, niece, or nephew; a person to whom									
44 45	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.									
46	"Lobbyist relationship" means (i) an engagement, agreement, or representation that relates to legal									
47	services, consulting services, or public relations services, whether gratuitous or for compensation,									
48	between a member or member-elect and any person who is, or has been within the prior calendar year,									
49	registered as a lobbyist with the Secretary of the Commonwealth, or (ii) a greater than three percent									
50	ownership interest by a member or member- elect in a business that employs, or engages as an									
51 52	independent contractor, any person who is, or has been within the prior calendar year, registered as a									
52 53	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									
55 54	or other privilege for a third party, or (iii) be required where a member or member-elect is employed or									
55	engaged by a person and such person also employs or engages a person in a lobbyist relationship so									
56	long as the member or member-elect has no financial interest in the lobbyist relationship.									
57	TRUST. If you or your immediate family, separately or together, are the only beneficiaries of a trust,									

3/26/10 17:56

- treat the trust's assets as if you own them directly. If you or your immediate family has a proportional 58
- 59 interest in a trust, treat that proportion of the trust's assets as if you own them directly. For example, if
- 60 you and your immediate family have a one-third interest in a trust, complete your Statement as if you
- 61 own one-third of each of the trust's assets. If you or a member of your immediate family created a trust
- 62 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 63 64 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. 65

- COMPLETE ITEMS 1 THROUGH 10. REFER TO SCHEDULES ONLY IF DIRECTED. 66
- You may attach additional explanatory information. 67
- 68 1. Offices and Directorships.
- Are you or a member of your immediate family a paid officer or paid director of a business? 69
- 70 EITHER check NO / / OR check YES / / and complete Schedule A.
- 71 2. Personal Liabilities.

Do you or a member of your immediate family owe more than \$10,000 to any one creditor including 72 73 contingent liabilities? (Exclude debts to any government and loans secured by recorded liens on property 74 at least equal in value to the loan.)

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

76 3. Securities.

77 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 78 79 partnerships and trusts.

- 80 EITHER check NO / / OR check YES / / and complete Schedule C.
- 81 4. Payments for Talks, Meetings, and Publications.
- During the past 12 months did you receive lodging, transportation, money, or anything else of value 82 83 with a combined value exceeding \$200 for a single talk, meeting, or published work in your capacity as 84 a legislator? 85
 - EITHER check NO / / OR check YES / / and complete Schedule D.

86 5. Gifts.

87 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 88 89 exceeded \$50 in value or (ii) furnish you with gifts or entertainment in any combination and the value 90 received by you exceeded \$100 in total value; and for which you neither paid nor rendered services in 91 exchange? Account for entertainment events only if the average value per person attending the event 92 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. 93

- 94 EITHER check NO / / OR check YES / / and complete Schedule E.
- 95 6. Salary and Wages.

List each employer that pays you or a member of your immediate family salary or wages in excess 96 97 of \$10,000 annually. (Exclude state or local government or advisory agencies.)

- 98 If no reportable salary or wages, check here / /.
- 101 102 7. Business Interests and Lobbyist Relationships.

103 7A. Do you or a member of your immediate family, separately or together, operate your own 104 business, or own or control an interest in excess of \$10,000 in a business?

- 105 EITHER check NO / / OR check YES / / and complete Schedule F-1.
- 106 7B. Do you have a lobbyist relationship as that term is defined above?
- EITHER check NO / / OR check YES / / and complete Schedule F-2. 107 108
 - 8. Payments for Representation and Other Services.
- 109 8A. Did you represent any businesses before any state governmental
- 110 agencies, excluding courts or judges, for which you received total
- 111 compensation during the past 12 months in excess of \$1,000, excluding
- 112 compensation for other services to such businesses and representation
- 113 consisting solely of the filing of mandatory papers and subsequent 114 representation regarding the mandatory papers?
- 115

99 100

- 116 EITHER check NO / / OR check YES / / and complete Schedule G-1. 117
- 118 8B. Subject to the same exceptions as in 8A, did persons with whom you

INTRODUCEL

HB2065

3 of 10

119 have a close financial association (partners, associates or others) 120 represent any businesses before any state governmental agency for 121 which total compensation was received during the past 12 months in 122 excess of \$1,000? 123 124 EITHER check NO / / OR check YES / / and complete Schedule G-2. 125 126 8C. Did you or persons with whom you have a close financial 127 association furnish services to businesses operating in Virginia, 128 pursuant to an agreement between you and such businesses, or between 129 persons with whom you have a close financial association and such 130 businesses for which total compensation in excess of \$1,000 was 131 received during the past 12 months? Services reported under this 132 provision shall not include services involving the representation 133 of businesses that are reported under question 8A or 8B above. 134 EITHER check NO / / OR check YES / / and complete Schedule G-3. 135 9. Real Estate. 136 Do you or a member of your immediate family hold an interest, including a partnership interest, 137 valued at \$10,000 or more in real property (other than your principal residence) for which you have not 138 already listed the full address on Schedule F? Account for real estate held in trust. 139 EITHER check NO / / OR check YES / / and complete Schedule H. 140 10. Real Estate Contracts with State Governmental Agencies. 141 Do you or a member of your immediate family hold an interest valued at more than \$10,000 in real 142 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 143 governmental agency? If the real estate contract provides for the leasing of the property to a state 144 145 governmental agency, do you or a member of your immediate family hold an interest in the real estate, 146 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. 147 148 This requirement to disclose an interest in a lease does not apply to an interest derived through an 149 ownership interest in a business unless the ownership interest exceeds three percent of the total equity of 150 the business. 151 EITHER check NO / / OR check YES / / and complete Schedule I. 152 Statements of Economic Interests are open for public inspection. 153 AFFIRMATION. 154 In accordance with the rules of the house in which I serve, if I 155 receive a request that this disclosure statement be corrected, 156 augmented, or revised in any respect, I hereby pledge that I shall 157 respond promptly to the request. I understand that if a determination 158 is made that the statement is insufficient, I will satisfy such 159 request or be subjected to disciplinary action of my house. 160 I swear or affirm that the foregoing information is full, true and 161 correct to the best of my knowledge. 162 Signature ___ 163 Commonwealth of Virginia 164 ____ of ____ to wit: 165 The foregoing disclosure form was acknowledged before me 166 This _____ day of _____ , 20___ , by _ 167 Notary Public 168 My commission expires _ 169 (Return only if needed to complete Statement.) 170 171 172 SCHEDULES 173 то 174 STATEMENT OF ECONOMIC INTERESTS. 175 176 NAME

177 SCHEDULE A - OFFICES AND DIRECTORSHIPS. 178 Identify each business of which you or a member of your immediate family is a paid officer or paid 179 director. _____ 180 _____ 181 Address of Business Name of Business Position Held 182 _____ 183 _____ _____ _____ _____ 184 _____ _____ _____ 185 _____ _____ _____ 186 187 _____ 188 189 RETURN TO ITEM 2 190 SCHEDULE B - PERSONAL LIABILITIES. 191 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 192 193 in value to the loan. Report contingent liabilities below and indicate which debts are contingent. 194 1. My personal debts are as follows: 195 196 _____ 197 198 Check Check one 199 appropriate \$10,001 to More than 200 categories \$50,000 \$50,000 201 Banks 202 Savings institutions Other loan or finance companies 203 204 Insurance companies 205 Stock, commodity or other brokerage 206 companies 207 Other businesses: 208 (State principal business activity for each 209 creditor.) 210 211 212 Individual creditors: 213 (State principal business or occupation of 214 each creditor.) 215 216 217 2. The personal debts of the members of my immediate family 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

				RETURN	TO ITEM 3
	- SECURITIES.		_		
	s" INCLUDES sto			ecurities" E	
	ds, limited pa: ity futures con			tificates of	
	and insurance			market funds	, annuity
amily, directl ach entity and Do not list r its authoriti his Commonv n trust. If no repor	ch business or Virg y or indirectly, sep d type of security in U.S. Bonds or oth ies, agencies, or lo vealth, but most ma table securities, che	barately or to ndividually. her governm ocal governm ajor business ock here / /	ogether, own secu ent securities not hents. Do not list ses conduct busine	rities valued in issued by the C organizations th ss in Virginia. A	excess of \$10,000 commonwealth of V hat do not do busi Account for securit
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Name of Is	suer Entity				
				RETURN	TO ITEM 4
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HB2065

HB2065

311

336 337 6 of 10

292 you exceeded \$100 in total value; and for which you neither paid nor rendered services in exchange. 293 List each such gift or event. Do not list entertainment events unless the average value per person 294 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 295 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. 296 297 298

Name of Business,	~ ! ·	a ! c .	
Organization, or	City or	Gift or	
	County		
Individual	and State	Event	Approximate Val

SCHEDULE F-1 - BUSINESS INTERESTS.

Complete this Schedule for each self-owned or family-owned business (including rental property, a 312 farm, or consulting work), partnership, or corporation in which you or a member of your immediate 313 family, separately or together, own an interest having a value in excess of \$10,000. 314

315 If the enterprise is owned or operated under a trade, partnership, or corporate name, list that name; 316 otherwise, merely explain the nature of the enterprise. If rental property is owned or operated under a 317 trade, partnership, or corporate name, list the name only; otherwise, give the address of each property. 318 Account for business interests held in trust.

319 _____

Name of			Gross	income	
Business		Nature of			
Corporation		Enterprise			
Partnership,		(farming,			
Farm;		law,			
Address of	City or	rental	\$50,000	\$50,001	More
Rental	County	property,	or less	to	than
Property	and State	etc.)		\$250,000	\$250,000
				RETUF	RN TO ITEM 8

SCHEDULE F-2 - LOBBYIST RELATIONSHIPS.

RETURN TO ITEM 8

Complete this Schedule for each lobbyist relationship with the following:

338 (i) any person who is, or has been within the prior calendar year, registered as a lobbyist with the 339 Secretary of the Commonwealth, or

340 (ii) any business in which you have a greater than three percent ownership interest and that business 341 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. 342

343 _____ 344 345 <a>List[LR1] each person Describe each Dates of Payments to or business 346 relationship relationship Lobbyist 347 \$10,000 More than 348 or less \$10,001 349 _____ _____ _ _____

F ANY F Y-CLIEN MBER OF MPLOYS MEMBEF SCHI List t judge, fo excluding filing of Identi from eac by law n	ATTORN TOR MEMB OR EN COR EN COLLE DOT Whice g compo mandat fy each h such ot to re	EY-CLIE OTHER P ER-ELEC GAGES A T HAS N G-1 - P inesses y ch you re ensation ory paper business business eveal the	NT OR O RIVILEG T IS EM PERSON O FINAN AYMENT ou repres eccived t for other rs and sul s, the nat . You ma name of t	THER PRIV E FOR A T PLOYED OR IN A LOB CIAL INTE S FOR REL sented befor otal compet services to bsequent rep ture of the r y state the states	ILEGE, (: HIRD PAR ENGAGED BYIST REI REST IN PRESENTA e any state isation dur such busing presentation representation type, rather represented	II) REQUIE FY, OR (II BY A PERS LATIONSHIE THE LOBBY ATION BY governmen ing the pas esses and re regarding th on and the than name, l by you.	RE A WAIVEN II) BE REQU SON AND SUG SO LONG A IST RELATION YOU. A 12 months presentation of the mandatory amount receind of the busin	excluding any co in excess of \$ consisting solely papers filed by y ved by dollar cat ess if you are red
Name of Busi- ness		pose						
		tion		to \$10,000	to \$50,000	to \$100,000	\$100,001 to \$250,000	and over
If you ting pe unt Rec SCHE List t	have have ceived EDULE he busi	receiv indica : G-2 - PA nesses th	ed \$250 te the AYMENT at have b	,001 or m amount re TS FOR REI been represe	ore from ceived, r PRESENTA nted before	a single rounded to TION BY A any state g	business the near ASSOCIATE governmental	within the rep est \$10,000. A S. agency, excludin
financial during th and subs with who Identi	associa ne past equent om you fy such ppeared	ation and 12 month represent have a c busines on beha	who rec hs, exclud ation rega lose finar ses by ty lf of such	reived total ding represent arding the matricial association pe and also businesses.	compensati ntation con landatory pa tion. name the	on in exces sisting solel apers filed b state goverr	s of \$1,000 y of the filin y your partne nmental agene	hom you have a for such represen g of mandatory p ers, associates or cies before which
person a								

408 _____ 409 _____ 410 SCHEDULE G-3 - PAYMENTS FOR REPRESENTATION AND OTHER SERVICES GENERALLY. 411 Indicate below types of businesses that operate in Virginia to which services -412 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 perso-413 414 ns with whom you have a close financial association and such businesses and fo-415 r which total compensation in excess of \$1,000 was received during the past 12-416 months. Services reported in 417 this Schedule shall not include services involving the representation of businesses that are reported in Schedule G-1 or G-2 above. 418 Identify opposite each category of businesses listed below (i) the type of business, (ii) the type of 419 service rendered and (iii) the value by dollar category of the compensation received for all businesses 420 421 falling within each category. 422 _____ 423 424 Value of Compensation 425 Check Type 426 if of 427 serservices vice 428 429 were ren-430 rendered 431 dered \$1,001 \$10,001 \$50,001 \$100,001 \$250,001 432 to to to to and 433 \$10,000 \$50,000 \$100,000 \$250,000 over 434 Electric utilities _____ ____ 435 _____ ____ Gas utilities 436 Telephone utilities _____ ____ 437 Water utilities _____ ____ 438 Cable television 439 companies _____ __ ____ 440 Interstate 441 transportation 442 companies _____ _ _____ ____ 443 Intrastate 444 transportation 445 _____ ____ companies 446 Oil or gas retail 447 companies _____ ____ ____ 448 Banks _____ _ _____ ____ _____ ____ 449 Savings institutions 450 Loan or finance 451 companies _____ ____ ____ 452 Manufacturing 453 companies (state 454 type of product, 455 e.g., textile, 456 furniture, etc.) _____ _ _____ ____ 457 Mining companies 458 Life insurance 459 companies _____ _ _____ ____ 460 Casualty insurance 461 companies _____ __ ____ 462 Other insurance 463 companies _____ _ ____ ____ ____ ____ 464 Retail companies _____ _ _____ ____

465 Beer, wine or liquor 466 companies or 467 distributors _____ _ _____ ____ 468 Trade associations 469 Professional 470 associations _____ ______ ______ ______ _____ 471 Associations of 472 public employees or 473 officials _____ _ ____ ____ _____ _____ 474 Counties, cities or 475 towns _____ _ ____ ___ ____ ____ ____ 476 Labor organizations _____ ____ 477 Other _____ ____ 478 479 _____ 480 RETURN TO ITEM 9 481 SCHEDULE H - REAL ESTATE. 482 List real estate other than your principal residence in which you or a member of your immediate family holds an interest, including a partnership interest, option, easement, or land contract, valued at 483 \$10,000 or more. You may list each parcel of real estate individually if you wish. 484 485 _____ _____ 486 487 List the location Describe the type of real If the real estate is 488 (state, and county estate you own in each owned or recorded in 489 location (business, or city where you a name other than your 490 own real estate recreational, apartment, own, list that name 491 commercial, open land, 492 etc.) 493 _____ _____ _____ 494 _____ _____ _____ 495 _____ _____ 496 _____ _____ _____ 497 _____ _____ _____ 498 _____ 499 _____ 500 RETURN TO ITEM 10 501 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 502 503 immediate family holds an interest, including a corporate, partnership or trust interest, option, easement, 504 505 or land contract, valued at \$10,000 or more. List all contracts with a state governmental agency for the 506 lease of real estate in which you or a member of your immediate family holds such an interest valued at 507 \$1,000 or more. This requirement to disclose an interest in a lease does not apply to an interest derived 508 through an ownership interest in a business unless the ownership interest exceeds three percent of the 509 total equity of the business. 510 _____ 511 _____ 512 List your real List each State the annual 513 estate interest and governmental agency income from the 514 the person or entity, which is a party to contract, and the 515 including the type of the contract and amount, if any, of 516 entity, which is indicate the county income you or any 517 party to the contract. or city where the immediate family 518 Describe any management real estate is member derives 519 role and the percentage located. annually from 520 ownership interest the contract. 521 you or your immediate

INTRODUCEL

HB2065

523	family member has in the real estate or entity.	
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532 B. Any legislator who makes a knowing misstatement of a material fact on the Statement of
533 Economic Interests shall be subject to disciplinary action for such violations by the house in which the
534 legislator sits.

535 C. In accordance with the rules of each house, the Statement of Economic Interests of all members 536 of each house shall be reviewed. If a legislator's Statement is found to be inadequate as filed, the 537 legislator shall be notified in writing and directed to file an amended Statement correcting the indicated 538 deficiencies, and a time shall be set within which such amendment shall be filed. If the Statement of 539 Economic Interests, in either its original or amended form, is found to be adequate as filed, the 540 legislator's filing shall be deemed in full compliance with this section as to the information disclosed 541 thereon.

542 D. Ten percent of the membership of a house, on the basis of newly discovered facts, may in writing 543 request the house in which those members sit, in accordance with the rules of that house, to review the 544 Statement of Economic Interests of another member of that house in order to determine the adequacy of 545 his filing. In accordance with the rules of each house, each Statement of Economic Interests shall be 546 promptly reviewed, the adequacy of the filing determined, and notice given in writing to the legislator 547 whose Statement is in issue. Should it be determined that the Statement requires correction, 548 augmentation or revision, the legislator involved shall be directed to make the changes required within 549 such time as shall be set under the rules of each house.

550 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.