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**HOUSE BILL NO. 321**

Offered January 13, 2010

Prefiled January 11, 2010

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

Patrons—Plum and Abbott

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.**

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, treat the trust's assets as if you own them directly. If you or your immediate family has a proportional

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.

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

66 COMPLETE ITEMS 1 THROUGH 11. REFER TO SCHEDULES ONLY IF DIRECTED.

67 You may attach additional explanatory information.

68 1. Offices and Directorships.

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

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

71 2. Personal Liabilities.

72 Do you or a member of your immediate family owe more than \$10,000 to any one creditor including  
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  
78 securities valued in excess of \$10,000 invested in one business? Account for mutual funds, limited  
79 partnerships and trusts.

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

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

82 During the past 12 months did you receive lodging, transportation, money, or anything else of value  
83 with a combined value exceeding \$200 for a single talk, meeting, or published work in your capacity as  
84 a legislator? Do not include payments and reimbursements from the Commonwealth for meetings  
85 attended in your capacity as a legislator; see Question 11 and Schedule D2 to report such meetings.

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

87 5. Gifts.

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

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

96 6. Salary and Wages.

97 List each employer that pays you or a member of your immediate family salary or wages in excess  
98 of \$10,000 annually: ~~(Exclude state or local government or advisory agencies.)~~, and each state or local  
99 government or advisory agency employer that pays you or a member of your immediate family any  
100 salary or wages. For each state or local government or advisory agency employer, also list the amount  
101 of salary or wages paid and the nature of your employment duties.

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

103 \_\_\_\_\_  
104 \_\_\_\_\_  
105 \_\_\_\_\_

106 7. Business Interests and Lobbyist Relationships.

107 7A. Do you or a member of your immediate family, separately or together, operate your own  
108 business, or own or control an interest in excess of \$10,000 in a business?

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

110 7B. Do you have a lobbyist relationship as that term is defined above?

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

112 8. Payments for Representation and Other Services.

113 8A. Did you represent any businesses before any state governmental agencies, excluding courts or  
114 judges, for which you received total compensation during the past 12 months in excess of \$1,000,  
115 excluding compensation for other services to such businesses and representation consisting solely of the  
116 filing of mandatory papers and subsequent representation regarding the mandatory papers?

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

118 8B. Subject to the same exceptions as in 8A, did persons with whom you have a close financial  
119 association (partners, associates or others) represent any businesses before any state governmental agency  
120 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? Services reported under this provision shall not include services involving the representation of businesses that are reported under question 8A or 8B above.

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 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.

11. Payments by the Commonwealth for Meetings.

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

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

Statements of Economic Interests are open for public inspection.

#### AFFIRMATION.

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

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.

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Name of Business	Address of Business	Position Held
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

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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	Check one More than \$50,000
Banks		
Savings institutions		
Other loan or finance companies		
Insurance companies		
Stock, commodity or other brokerage companies		
Other businesses: (State principal business activity for each creditor.)		
Individual creditors: (State principal business or occupation of each creditor.)		

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

Check appropriate categories	Check one \$10,001 to \$50,000	Check one More than \$50,000
Banks		
Savings institutions		
Other loan or finance companies		
Insurance companies		
Stock, commodity or other brokerage companies		
Other businesses: (State principal business activity for each creditor.)		
Individual creditors: (State principal business or occupation of each creditor.)		

RETURN TO ITEM 3

## SCHEDULE C - SECURITIES.

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

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

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

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

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#### 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. Do not list payments or reimbursements by 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 / / .

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Type of Payment  
(e.g., Travel

297				reimbursement,
298	Payer	Approximate Value	Circumstances	etc.)
299				
300				
301				
302				

303 -----  
 304 -----

#### 305 SCHEDULE E - GIFTS.

306 List each business, governmental entity, or individual that, during the past 12 months, (i) furnished  
 307 you with any gift or entertainment at a single event and the value received by you exceeded \$50 in  
 308 value, or (ii) furnished you with gifts or entertainment in any combination and the value received by  
 309 you exceeded \$100 in total value; and for which you neither paid nor rendered services in exchange.

310 List each such gift or event.

311 Do not list entertainment events unless the average value per person attending the event exceeded  
 312 \$50 in value. Do not list business entertainment related to your private profession or occupation. Do not  
 313 list gifts or other things of value given by a relative or personal friend for reasons clearly unrelated to  
 314 your public position. Do not list campaign contributions publicly reported as required by Chapter 9.3  
 315 (§ 24.2-945 et seq.) of Title 24.2 of the Code of Virginia.

316 -----  
 317 -----

318	Name of Business,	City or		
319	Organization, or	County		
320	Individual	and State	Gift or Event	Approximate Value

321				
322				
323				
324				

325 -----  
 326 -----

327 RETURN TO ITEM 6

#### 328 SCHEDULE F-1 - BUSINESS INTERESTS.

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

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

336 -----  
 337 -----

338	Name of					
339	Business					
340	Corporation,					
341	Partnership,	Nature of		Gross income		
342	Farm;	Enterprise				
343	Address of	City or	(farming,	\$50,001	More	
344	Rental	County	law, rental	\$50,000	to	than
345	Property	and State	property, etc.)	or less	\$250,000	\$250,000

346						
347						
348						
349						

350 -----  
 351 -----

352 RETURN TO ITEM 8

#### 353 SCHEDULE F-2 - LOBBYIST RELATIONSHIPS AND PAYMENTS.

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

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

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

List each person or business	Describe each relationship	Dates of relationship	Payments to Lobbyist	
			\$10,000 or less	More than \$10,0001

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.

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

List the businesses you represented before any state governmental agency, excluding any court or judge, 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 filed by you.

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

Name of Busi- ness	Type of Busi- ness	Pur- pose of Repre- senta- tion	Amount Received					
			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.

414	-----	
415	Type of Business	Name of State Governmental Agency
416	_____	_____
417	_____	_____
418	_____	_____
419	_____	_____
420	-----	

421  
422 SCHEDULE G-3 - PAYMENTS FOR 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. Services reported in this Schedule shall not include services involving the representation of businesses that are reported in Schedule G-1 or G-2 above.

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

432								
433								
434		Check						
435		if Type						
436		ser- of						
437		vices ser-						
438		were vice	\$1,001	\$10,001	\$50,001	\$100,001		
439		ren- ren-	to	to	to	to	\$250,001	
440		dered dered	\$10,000	\$50,000	\$100,000	\$250,000	and over	
441	Electric utilities							
442	Gas utilities							
443	Telephone utilities							
444	Water utilities							
445	Cable television							
446	companies							
447	Interstate							
448	transportation							
449	companies							
450	Intrastate							
451	transportation							
452	companies							
453	Oil or gas retail							
454	companies							
455	Banks							
456	Savings							
457	institutions							
458	Loan or finance							
459	companies							
460	Manufacturing							
461	companies (state							
462	type of product,							
463	e.g., textile,							
464	furniture, etc.)							
465	Mining companies							
466	Life insurance							
467	companies							
468	Casualty insurance							
469	companies							
470	Other insurance							



471	companies	_____	_____	_____	_____	_____	_____	_____
472	Retail companies	_____	_____	_____	_____	_____	_____	_____
473	Beer, wine or							
474	liquor companies							
475	or distributors	_____	_____	_____	_____	_____	_____	_____
476	Trade associations	_____	_____	_____	_____	_____	_____	_____
477	Professional							
478	associations	_____	_____	_____	_____	_____	_____	_____
479	Associations of							
480	public employees							
481	or officials	_____	_____	_____	_____	_____	_____	_____
482	Counties, cities							
483	or towns	_____	_____	_____	_____	_____	_____	_____
484	Labor organizations	_____	_____	_____	_____	_____	_____	_____
485	Other	_____	_____	_____	_____	_____	_____	_____
486	-----							
487	-----							

RETURN TO ITEM 9

## SCHEDULE H - REAL ESTATE.

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 \$10,000 or more. You may list each parcel of real estate individually if you wish.

493	-----		
494	-----		
495		Describe the type of real	
496		estate you own in each	
497	List the location	location (business,	If the real estate is
498	(state, and county	recreational, apartment,	owned or recorded in
499	or city where you	commercial, open land,	a name other than your
500	own real estate	etc.)	own, list that name
501	_____	_____	_____
502	_____	_____	_____
503	_____	_____	_____
504	_____	_____	_____
505	_____	_____	_____
506	-----		
507	-----		

RETURN TO ITEM 10

## 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.

518	-----		
519	-----		
520	List your real		
521	estate interest and		
522	the person or entity,		
523	including the type of		
524	entity, which is		
525	party to the contract.		
526	Describe any		State the annual
527	management role and	List each	income from the
			contract, and the

528	the percentage	governmental agency	amount, if any, of
529	ownership interest	which is a party to	income you or any
530	you or your immediate	the contract and	immediate family
531	family member has in	indicate the county	member derives
532	the real estate	or city where the	annually from
533	or entity.	real estate is located.	the contract.
534	_____	_____	_____
535	_____	_____	_____
536	_____	_____	_____
537	_____	_____	_____
538	_____	_____	_____
539	-----	-----	-----

540 -----  
 541 B. Any legislator who makes a knowing misstatement of a material fact on the Statement of  
 542 Economic Interests shall be subject to disciplinary action for such violations by the house in which the  
 543 legislator sits.

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

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

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