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10100410D **SENATE BILL NO. 14**

Offered January 13, 2010 Prefiled December 18, 2009

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

Patrons—Howell and Petersen; Delegate: Kory

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.

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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 SB14 2 of 10

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 11. REFER TO SCHEDULES ONLY IF DIRECTED.

You may attach additional explanatory information.

1. Offices and Directorships.

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

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

2. Personal Liabilities.

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

Securities

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.

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

4. 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; see Question 11 and Schedule D2 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.

6. 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.)

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

7. Business Interests and Lobbyist Relationships.

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

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

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

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

8. Payments for Representation and Other Services.

8A. Ďid 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? 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 _____ My commission expires _____ (Return only if needed to complete Statement.) **SCHEDULES** STATEMENT OF ECONOMIC INTERESTS. SCHEDULE A - OFFICES AND DIRECTORSHIPS. Identify each business of which you or a member of your immediate family is a paid officer or paid director. ______ Name of Business Address of Business Position Held

RETURN TO ITEM 2

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181 SCHEDULE B - PERSONAL LIABILITIES. 182 Report personal liability by checking each category. Report only debts in excess of \$10,000. Do not 183 report debts to any government. Do not report loans secured by recorded liens on property at least equal in value to the loan. 184 185 Report contingent liabilities below and indicate which debts are contingent. 1. My personal debts are as follows: 186 187 _____ 188 189 Check Check one 190 appropriate \$10,001 to More than 191 categories \$50,000 \$50,000 Banks 192 193 Savings institutions 194 Other loan or finance companies 195 Insurance companies 196 Stock, commodity or other brokerage 197 companies 198 Other businesses: 199 (State principal business activity for each 200 creditor.) 201 202 203 Individual creditors: 204 (State principal business or occupation of 205 each creditor.) 206 207 208 ______ 209 2. The personal debts of the members of my immediate family are as follows: 210 _____ 211 212 213 Check Check one 214 appropriate \$10,001 to More than 215 \$50,000 categories \$50,000 216 Banks 217 Savings institutions 218 Other loan or finance companies 219 Insurance companies 220 Stock, commodity or other brokerage 221 companies 222 Other businesses: 223 (State principal business activity for each 224 creditor.) 225 226 227 Individual creditors: 228 (State principal business or occupation of 229 each creditor.) 230 231 232 ______ 233 234 RETURN TO ITEM 3 235 SCHEDULE C - SECURITIES. 236

"Securities" INCLUDES stocks, bonds, "Securities" EXCLUDES mutual funds, limited partnerships, certificates of deposit,

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     and commodity futures contracts.
                                                 money market funds, annuity
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                                                  contracts, and insurance policies.
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        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
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     each entity and type of security individually.
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        Do not list U.S. Bonds or other government securities not issued by the Commonwealth of Virginia
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     or its authorities, agencies, or local governments. Do not list organizations that do not do business in
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     this Commonwealth, but most major businesses conduct business in Virginia. Account for securities held
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     in trust.
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                                     Type of Security $10,001 $50,001 More (stocks, bonds, to to than
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                           Type of
         Name of Issuer Entity
                                    mutual funds, etc.) $50,000 $250,000 $250,000
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        SCHEDULE D-1 - PAYMENTS FOR TALKS, MEETINGS, AND PUBLICATIONS.
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        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
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     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
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     donated it to charity. Do not list information about a payment if you returned it within 60 days or if you
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     received it from an employer already listed under Item 6 or from a source of income listed on Schedule
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     F.
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        If no payment must be listed, check here / /.
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        _____
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                                                                 Type of Payment
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                                                                 (e.g., Honoraria,
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         Payer
                        Approximate Value Circumstances ment, etc.)
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                                                                  RETURN TO ITEM 5
        SCHEDULE D-2 - PAYMENTS BY THE COMMONWEALTH FOR MEETINGS.
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        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
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     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
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     meetings or travel within the Commonwealth.
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        If no payment must be listed, check here / /.
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                                                                 Type of Payment
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                                                                 reimbursement,
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Approximate Value Circumstances

etc.)

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SCHEDULE E - C List each business u with any gift or lue, or (ii) furnishe u exceeded \$100 in st each such gift or Do not list enterta 0 in value. Do not	entertainment entertainment ed you with gi n total value; event. ainment events	at a single even fts or entertainm and for which you unless the avera	at and the ent in an ou neither age value	value re y combin paid nor per perso	ceived by yo ation and the rendered ser	u exceeded value recervices in exthe event e
t gifts or other thin ur public position. 24.2-945 et seq.) of	ngs of value gi Do not list ca f Title 24.2 of	ven by a relative ampaign contribu the Code of Virg	or perso tions pub inia.	nal friend licly repo	for reasons or rted as requir	clearly unre red by Cha
Name of Busin	ness, City , or Cour	or				
					RETURN TO	ITEM 6
SCHEDULE F-1 - Complete this Sch m, or consulting wanily, separately or t If the enterprise is nerwise, merely expede, partnership, or ecount for business	nedule for each work), partnersh together, own a s owned or ope plain the nature corporate name interests held in	self-owned or f hip, or corporation in interest having erated under a tra- e of the enterprise e, list the name	on in whith a value is ade, partner, se. If rent only; other	ned busin ich you o n excess o ership, or al propert erwise, gi	ess (including or a member of \$10,000. corporate na cy is owned ove the address	g rental pro of your in me, list that or operated s of each p
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SCHEDULE F-2 - LOBBYIST RELATIONSHIPS AND PAYMENTS.
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

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	ach perso iness		scribe lations		Dates of relations		\$10,000 or less	
REQUIRED PERSON A	WHERE ND SUCH	A MEM I PERSC LONG	IBER OF ON ALSO	MEMBE EMPLO	R-ELECT YS OR EI	IS EMPI NGAGES	LOYED OR	TY, OR (III ENGAGED IN A LOBI
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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.

	Check if ser- vices	Type of		Value	of Compen	nsation	
	were ren-	vice ren-	\$1,001 to \$10,000	to	\$50,001 to \$100,000	\$100,001 to \$250,000	\$250,00 and ove
Electric utilities							
Gas utilities							
Telephone utilities							
Water utilities							
Cable television companies							
Interstate transportation							
companies							
Intrastate transportation							
companies							
Oil or gas retail companies							
Banks							
Savings							
institutions Loan or finance							
companies							
Manufacturing							
companies (state							
<pre>type of product, e.g., textile,</pre>							
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 _		
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SCHEDULE H - REAL EST	A.T.D.	RETURN TO ITEM
$$10,000$ or more. You may list ϵ	ng a partnership interest, option, e	y if you wish.
	Describe the type of real	
List the location	estate you own in each	If the weel estate is
(state, and county	location (business, recreational, apartment,	If the real estate is owned or recorded in
or city where you	commercial, open land,	a name other than your
own real estate	etc.)	own, list that name
		RETURN TO ITEM 10
List all contracts, whether governmental agency for the simmediate family holds an inter-	TE CONTRACTS WITH STATE of pending or completed within the ale or exchange of real estate in est, including a corporate, partnersh 2000 or more. List all contracts with or a member of your immediate factors.	he past 12 months, with a which you or a member of ip or trust interest, option, ease a state governmental agency for
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family member has in the real estate	indicate the county or city where the	member deriv annually fro
or entity.	real estate is located.	the contract
		-

- 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.