2012 SESSION

	12101582D
1	HOUSE BILL NO. 666
1 2	Offered January 11, 2012
3	Prefiled January 11, 2012
4 5	A BILL to amend and reenact § 30-111 of the Code of Virginia, relating to General Assembly Conflicts of Interests Act; disclosure requirements.
5 6	
U	Patrons—Surovell, Kory and Scott, J.M.; Senator: Favola
7	
8 9	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 18	Office or position held or sought
10 19	Home address
20	DEFINITIONS AND EXPLANATORY MATERIAL.
21	"Business" means a corporation, partnership, sole proprietorship, firm, enterprise, franchise,
22	association, trust or foundation, or any other individual or entity carrying on a business or profession,
23	whether or not for profit.
24 25	"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
$\frac{25}{26}$	individual's business activities and would have access to the necessary records either directly or through
27	the individual. "Close financial association" does not mean an association based on (i) the receipt of
28	retirement benefits or deferred compensation from a business by which the legislator is no longer
29	employed, or (ii) the receipt of compensation for work performed by the legislator as an independent
30 31	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.
32	"Contingent liability" means a liability that is not presently fixed or determined, but may become
33	fixed or determined in the future with the occurrence of some certain event.
34	"Dependent" means any person, whether or not related by blood or marriage, who receives from the
35	legislator, or provides to the legislator, more than one-half of his financial support.
36 37	"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
38	meals, whether provided in-kind, by purchase of a ticket, payment in advance or reimbursement after the
39	expense has been incurred. "Gift" shall not include any offer of a ticket or other admission or pass
40	unless the ticket, admission, or pass is used. "Gift" shall not include honorary degrees and presents from
41	relatives. "Relative" means the donee's spouse, child, uncle, aunt, niece, or nephew; a person to whom
42 43	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.
4 3 44	"Immediate family" means (i) a spouse and (ii) any other person residing in the same household as
45	the legislator, who is a dependent of the legislator or of whom the legislator is a dependent.
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 49	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
50	ownership interest by a member or member- elect in a business that employs, or engages as an
51	independent contractor, any person who is, or has been within the prior calendar year, registered as a
52	lobbyist with the Secretary of the Commonwealth. The disclosure of a lobbyist relationship shall not (i)
53	constitute a waiver of any attorney-client or other privilege, (ii) require a waiver of any attorney-client
54 55	or other privilege for a third party, or (iii) be required where a member or member-elect is employed or
55 56	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.
57	TRUST. If you or your immediate family, separately or together, are the only beneficiaries of a trust,

9/14/22 19:47

2 of 10

- 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.

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 filing the Statement as of the date of this report unless otherwise stated. 65

- COMPLETE ITEMS 1 THROUGH 11. REFER TO SCHEDULES ONLY IF DIRECTED. 66
- 67 You may attach additional explanatory information.
- 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.

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

During the past 12 months did you receive lodging, transportation, money, or anything else of value 82 with a combined value exceeding \$200 for a single talk, meeting, or published work in your capacity as 83 a legislator? Do not include payments and reimbursements from the Commonwealth for meetings 84 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-1.

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 exceeded \$50 in value. Account for all business entertainment (except if related to your private 93 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 any salary received as a member of the General Assembly pursuant to 99 § 30-19.11.)

- 100
- 101

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

- 102
- 103 104

7. Business Interests and Lobbyist Relationships.

- 7A. Do you or a member of your immediate family, separately or together, operate your own 105 106 business, or own or control an interest in excess of \$10,000 in a business?
- 107 EITHER check NO / / OR check YES / / and complete Schedule F-1.
- 7B. Do you have a lobbyist relationship as that term is defined above? 108

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

110 8. Payments for Representation and Other Services.

8A. Did you represent any businesses before any state governmental agencies, excluding courts or 111 112 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 113 filing of mandatory papers and subsequent representation regarding the mandatory papers? 114

EITHER check NO / / OR check YES / / and complete Schedule G-1. 115

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 116 117 for which total compensation was received during the past 12 months in excess of \$1,000? 118

EITHER check NO / / OR check YES / / and complete Schedule G-2. 119

3 of 10

120 8C. Did you or persons with whom you have a close financial association furnish services to 121 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 122 123 124 provision shall not include services involving the representation of businesses that are reported under 125 question 8A or 8B above.

126 EITHER check NO / / OR check YES / / and complete Schedule G-3.

127 9. Real Estate.

128 Do you or a member of your immediate family hold an interest, including a partnership interest, 129 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. 130

131 EITHER check NO / / OR check YES / / and complete Schedule H.

132 10. Real Estate Contracts with State Governmental Agencies.

133 Do you or a member of your immediate family hold an interest valued at more than \$10,000 in real 134 estate, including a corporate, partnership, or trust interest, option, easement, or land contract, which real 135 estate is the subject of a contract, whether pending or completed within the past 12 months, with a state 136 governmental agency?

137 If the real estate contract provides for the leasing of the property to a state governmental agency, do 138 you or a member of your immediate family hold an interest in the real estate, including a corporate, 139 partnership, or trust interest, option, easement, or land contract valued at more than \$1,000? Account for 140 all such contracts whether or not your interest is reported in Schedule F or H. This requirement to 141 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. 142

143 EITHER check NO / / OR check YES / / and complete Schedule I.

144 11. Payments by the Commonwealth for Meetings.

145 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 146 147 out-of-state in your capacity as a legislator? Do not include reimbursements from the Commonwealth for 148 meetings attended in the Commonwealth.

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

150 12. State Tax Credits.

151 During the past 12 months did you, a member of your immediate family, or a person with whom you 152 have a close financial association benefit from any state tax credit on income taxes provided under 153 Chapter 3 (§ 58.1-300 et seq.) of Title 58.1?

154 EITHER check NO / / OR check YES / / and complete Schedule J.

155 Statements of Economic Interests are open for public inspection. 156

AFFIRMATION.

157 In accordance with the rules of the house in which I serve, if I receive a request that this disclosure 158 statement be corrected, augmented, or revised in any respect, I hereby pledge that I shall respond 159 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. 160

161	I swear or affirm that the foregoing information is full, true and 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	SCHEDULES

TO

STATEMENT OF ECONOMIC INTERESTS.

173 NAME

SCHEDULE A - OFFICES AND DIRECTORSHIPS. 174

175 Identify each business of which you or a member of your immediate family is a paid officer or paid 176 director.

177 178

180

171

172

179 Name of Business

Address of Business

Position Held

4 of 10

SCHEDULE B - PERSONAL LIABILITIES.	RETURN 7	TO ITEM 2
Report personal liability by checking each category. Report	only debts in excess	of \$10,000.
eport debts to any government. Do not report loans secured by		
n value to the loan.		
Report contingent liabilities below and indicate which debts 1. My personal debts are as follows:	are contingent.	
1. Wy personal debts are as follows.		
	Ch a al-	
Check	Check	
appropriate categories	\$10,001 to \$50,000	
Banks	Ş50,000	\$50,000
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.)		
each creditor.)		
2. The personal debts of the members of my immediate fam	ily are as follows:	
Check	check	
appropriate categories	\$10,001 to \$50,000	\$50,000
Banks	Ŷ30,000	Ş30,000
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:		
Individual aroditora		
(State principal business or occupation of each creditor.)		

5 of 10

SCHEDULE C - "Securities" IN mutual funds, 1 and commodity f	ICLUDES st imited pa	ocks, bonds, rtnerships,	cert mone	y market i	EXCLUDES of deposit, funds, annu d insurance	ity
family, directly or in each entity and type	ndirectly, se of security Bonds or ot encies, or le but most m	individually. her government sec ocal governments. ajor businesses con	entity in r, own se curities n Do not l	which you ecurities valu ot issued by ist organizat	or a member red in excess the Common ions that do r	of your imm of \$10,000. wealth of Vi not do busing
Name of Issuer	Type of Entity	Type of Secu: (stocks, bond mutual funds,	ds,	\$10,001 to \$50,000	Check one \$50,001 to \$250,000	More than \$250,000
	from which of value (ex 0 for your p r capacity e Schedule 1 Do not list employer all	presentation of a sin as a legislator. D-2 for such paym information about ready listed under I	g the par drinks congle talk, Do not ents or r a payment	st 12 months pincident with participation list paymer eimbursemen nt if you return	UBLICATION a lodging, tran th a meeting) n in one meet nts or reimbuts.) List a pay urned it within	sportation, m with a com ing, or public ursements b yment even in 60 days or
Payer		roximate Value			Travel r ment, et 	donoraria, eeimburse- c.)
	- PAYMEN g for which ou for lodgi with a mea legislator. ithin the Co	eting) with a comb Do not list payme mmonwealth.	IMONW th provid money, d vined val	EALTH FOR led payments or any other ue exceeding	MEETINGS s or reimburs thing of value g \$200 for yo	TO ITEM 5 ements durin e (excluding ur participati
					Type of (e.g., T	

HB	666

6 of 10

	Approx	imate Value	Circ	umstances	etc.)	
SCHEDULE E -	GIFTS.					
List each busine you with any gift value, or (ii) furnis you exceeded \$100 List each such gift Do not list ente \$50 in value. Do not list gifts or other th your public position	or entertainmen hed you with g in total value; or event. rtainment event ot list business of nings of value g n. Do not list of	t at a single er gifts or entertai and for which as unless the av entertainment re- given by a relat campaign contri	vent and nment in you nei verage va elated to tive or pe ibutions	the value re any combin ther paid no lue per perso your private ersonal friend	ceived by yc ation and the r rendered se on attending profession or f for reasons	bu exceeded value recein rvices in ex- the event ex- occupation. clearly unrel
(§ 24.2-945 et seq.)	of Title 24.2 of	f the Code of V	'irginia.			
Name of Busine		City or				
Organization, Individual	or	County and State (Gift or	Event	Approxima	te Value
SCHEDULE F-1	- BUSINESS	INTERESTS.	.	1 1		TO ITEM 6
SCHEDULE F-1 Complete this S farm, or consulting family, separately of If the enterprise otherwise, merely e trade, partnership, o	- BUSINESS chedule for eac work), partner r together, own is owned or op explain the natu or corporate nar	INTERESTS. th self-owned of ship, or corpor an interest have perated under a re of the enterp ne, list the nan	ation in ing a valu trade, pa prise. If 1	which you of ue in excess artnership, or rental property	ess (includin or a member of \$10,000. corporate na ty is owned of	g rental prop of your imp ame, list that or operated u
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SCHEDULE F-1 Complete this S farm, or consulting family, separately o If the enterprise otherwise, merely e rade, partnership, o Account for busines Name of Business Corporation, Partnership,	- BUSINESS chedule for eac work), partner r together, own is owned or op explain the natu or corporate nar	INTERESTS. th self-owned of ship, or corpor an interest having perated under a re of the enterp ne, list the nan in trust.	ration in ing a value trade, p prise. If n ne only;	which you o ue in excess artnership, or rental propert otherwise, gi	ess (includin or a member of \$10,000. corporate na ty is owned of	g rental prop of your imitation or operated us so of each pr
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SCHEDULE F-1 Complete this S Farm, or consulting Family, separately o If the enterprise otherwise, merely e rade, partnership, o Account for business Name of Business Corporation, Partnership, Farm; Address of Rental Property	City or County and State	INTERESTS. th self-owned of ship, or corpor an interest having perated under a re of the enterpine, list the naminit in trust. Nature of Enterprise (farming, law, rentai property, e	1 l l l l l	which you of ue in excess artnership, or rental propert otherwise, gi	ess (includin, or a member of \$10,000. • corporate na ty is owned over the address • corporate na ty is owned over the address • corporate na to \$250,000 • corporate na \$250,000	g rental prop of your imi ame, list that or operated us of each pr e More
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(ii) any business in which you have a greater than three percent ownership interest and that businessemploys, or engages as an independent contractor, any person who is, or has been within the prior

355 calendar year, registered as a lobbyist with the Secretary of the Commonwealth. 356 357 358 Payments to 359 Lobbyist List each person Describe each Dates of \$10,000 More than 360 361 or business relationship relationship or less \$10,0001 362 _____ ____ 363 _____ ____ 364 _____ ____ 365 _____ 366 _____ _____ 367 368 RETURN TO ITEM 8 THE DISCLOSURE OF A LOBBYIST RELATIONSHIP SHALL NOT (I) CONSTITUTE A 369 WAIVER OF ANY ATTORNEY-CLIENT OR OTHER PRIVILEGE, (II) REQUIRE A WAIVER OF 370 371 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 372 373 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 374 INTEREST IN THE LOBBYIST RELATIONSHIP. 375 376 SCHEDULE G-1 - PAYMENTS FOR REPRESENTATION BY YOU. 377 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, 378 379 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. 380 381 Identify each business, the nature of the representation and the amount received by dollar category 382 from each such business. You may state the type, rather than name, of the business if you are required 383 by law not to reveal the name of the business represented by you. 384 385 386 Pur-387 Amount Received pose 388 Name Type of 389 Repre- Name \$1,001 \$10,001 \$50,001 \$100,001 of of 390 Busi-Busi-senta-of to to to \$250,001 391 ness ness tion Agency \$10,000 \$50,000 \$100,000 \$250,000 and over 392 _____ 393 _____ 394 _____ ____ 395 _____ 396 397 If you have received \$250,001 or more from a single business within the reporting period, indicate 398 the amount received, rounded to the nearest \$10,000. Amount Received: 399 SCHEDULE G-2 - PAYMENTS FOR REPRESENTATION BY ASSOCIATES. 400 List the businesses that have been represented before any state governmental agency, excluding any 401 court or judge, by persons who are your partners, associates or others with whom you have a close 402 financial association and who received total compensation in excess of \$1,000 for such representation 403 during the past 12 months, excluding representation consisting solely of the filing of mandatory papers 404 and subsequent representation regarding the mandatory papers filed by your partners, associates or others 405 with whom you have a close financial association. Identify such businesses by type and also name the state governmental agencies before which such 406 407 person appeared on behalf of such businesses. 408 409 410 Type of Business Name of State Governmental Agency 411 412

7 of 10

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HB666

SCHEDULE G-3 - PA Indicate below types o or persons with whom you such businesses, or betw pusinesses and for which months. Services reported pusinesses that are reported Identify opposite each service rendered and (iii)	f busines have a een pers total c in this d in Sch category	sses that close fi sons wi compensa Schedu edule G y of bus	t operate in nancial ass th whom ation in en ile shall no -1 or G-2 a sinesses lis	n Virginia sociation pr you have xcess of \$ ot include above. ted below	to which set ursuant to at a close fir 1,000 was services in (i) the type	rvices were n agreement nancial asso received du volving the e of busines	between y beciation and uring the representants s, (ii) the
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	if	Туре					
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	were	vice	\$1,001			\$100,001	
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Electric utilities	dered	dered	\$10,000	\$50,000	\$100,000	\$250,000	and ove
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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							
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companies (state							
type of product,							
e.g., textile,							
furniture, etc.)							
Mining companies							
Life insurance companies							
Casualty insurance							
companies							
Other insurance							
companies							
Retail companies							
Beer, wine or							
liquor companies							
or distributors							

Professional		
associations		
Associations of		
public employees		
or officials		
Counties, cities		
or towns		
Other		
Other		
family holds an interest, in	ESTATE. an your principal residence in whic cluding a partnership interest, optio el must be listed individually.	
List the location (state, and county or city where you own real estate	Describe the type of real estate you own in each location (business, recreational, apartment, commercial, open land, etc.)	If the real estate is owned or recorded in a name other than your own, list that name
List all contracts, who governmental agency for t immediate family holds an	ESTATE CONTRACTS WITH STA' ether pending or completed withi the sale or exchange of real estate interest, including a corporate, partn \$10,000 or more L ist all contracts a	n the past 12 months, with a e in which you or a member of ership or trust interest, option, easen
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544 B. Any legislator who makes a knowing misstatement of a material fact on the Statement of
545 Economic Interests shall be subject to disciplinary action for such violations by the house in which the
546 legislator sits.

547 C. In accordance with the rules of each house, the Statement of Economic Interests of all members 548 of each house shall be reviewed. If a legislator's Statement is found to be inadequate as filed, the 549 legislator shall be notified in writing and directed to file an amended Statement correcting the indicated 550 deficiencies, and a time shall be set within which such amendment shall be filed. If the Statement of 551 Economic Interests, in either its original or amended form, is found to be adequate as filed, the 552 legislator's filing shall be deemed in full compliance with this section as to the information disclosed 553 thereon.

554 D. Ten percent of the membership of a house, on the basis of newly discovered facts, may in writing 555 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 556 557 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 558 559 whose Statement is in issue. Should it be determined that the Statement requires correction, 560 augmentation or revision, the legislator involved shall be directed to make the changes required within 561 such time as shall be set under the rules of each house.

562 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.