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## SENATE BILL NO. 219

Offered January 8, 2014

Prefiled January 3, 2014

A *BILL to amend and reenact §§ 24.2-502, as it is currently effective and as it shall become effective, 30-101, 30-110 through 30-113, 30-114 through 30-119, and 30-127 of the Code of Virginia, relating to the General Assembly Conflicts of Interests Act and the establishment of the Virginia Legislative Ethics Commission.*

Patrons—Petersen, Deeds and Marsden

Referred to Committee on Rules

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 24.2-502, as it is currently effective and as it shall become effective, 30-101, 30-110 through 30-113, 30-114 through 30-119, and 30-127 of the Code of Virginia are amended and reenacted as follows:**

**§ 24.2-502. (Effective until July 1, 2014) Statement of economic interests as requirement of candidacy.**

It shall be a requirement of candidacy that a written statement of economic interests shall be filed by (i) a candidate for Governor, Lieutenant Governor, or Attorney General with the Secretary of the Commonwealth, (ii) a candidate for Senate or House of Delegates with the clerk of the appropriate house Virginia Legislative Ethics Commission, (iii) a candidate for a constitutional office with the general registrar for the county or city, and (iv) a candidate for member of the governing body or elected school board of any county, city, or town with a population in excess of 3,500 persons with the general registrar for the county or city. The statement of economic interests shall be that specified in § 30-111 for candidates for the General Assembly and in § 2.2-3117 for all other candidates. The foregoing requirement shall not apply to a candidate for reelection to the same office who has met the requirement of annually filing a statement pursuant to § 2.2-3114, § 2.2-3115, or § 30-110.

The Secretary of the Commonwealth, the clerks of the Senate and House of Delegates Virginia Legislative Ethics Commission, the general registrar, and the clerk of the local governing body shall transmit to the State Board, immediately after the filing deadline, a list of the candidates who have filed initial or annual statements of economic interests. The Secretary of the State Board shall notify the appropriate local electoral boards of the filings.

**§ 24.2-502. (Effective July 1, 2014) Statement of economic interests as requirement of candidacy.**

It shall be a requirement of candidacy that a written statement of economic interests shall be filed by (i) a candidate for Governor, Lieutenant Governor, or Attorney General with the Secretary of the Commonwealth, (ii) a candidate for Senate or House of Delegates with the clerk of the appropriate house Virginia Legislative Ethics Commission, (iii) a candidate for a constitutional office with the general registrar for the county or city, and (iv) a candidate for member of the governing body or elected school board of any county, city, or town with a population in excess of 3,500 persons with the general registrar for the county or city. The statement of economic interests shall be that specified in § 30-111 for candidates for the General Assembly and in § 2.2-3117 for all other candidates. The foregoing requirement shall not apply to a candidate for reelection to the same office who has met the requirement of annually filing a statement pursuant to § 2.2-3114, 2.2-3115, or 30-110.

The Secretary of the Commonwealth, the clerks of the Senate and House of Delegates Virginia Legislative Ethics Commission, the general registrar, and the clerk of the local governing body shall transmit to the State Board, immediately after the filing deadline, a list of the candidates who have filed initial or annual statements of economic interests. The Commissioner of Elections shall notify the appropriate local electoral boards of the filings.

**§ 30-101. Definitions.**

As used in this chapter, unless the context requires a different meaning:

"Advisory agency" means any board, commission, committee or post which does not exercise any sovereign power or duty, but is appointed by a governmental agency or officer or is created by law for the purpose of making studies or recommendations, or advising or consulting with a governmental agency.

"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.

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59 *"Commission" means the Virginia Legislative Ethics Commission established pursuant to § 30-112.*

60 "Contract" means any agreement to which a governmental agency is a party, or any agreement on  
61 behalf of a governmental agency which involves the payment of money appropriated by the General  
62 Assembly or a political subdivision, whether or not such agreement is executed in the name of the  
63 Commonwealth of Virginia, or some political subdivision thereof. "Contract" includes a subcontract only  
64 when the contract of which it is a part is with the legislator's own governmental agency.

65 "Financial institution" means any bank, trust company, savings institution, industrial loan association,  
66 consumer finance company, credit union, broker-dealer as defined in subsection A of § 13.1-501, or  
67 investment company or advisor registered under the federal Investment Advisors Act or Investment  
68 Company Act of 1940.

69 "Gift" means any gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item  
70 having monetary value. It includes services as well as gifts of transportation, local travel, lodgings and  
71 meals, whether provided in-kind, by purchase of a ticket, payment in advance or reimbursement after the  
72 expense has been incurred. "Gift" shall not include any offer of a ticket or other admission or pass  
73 unless the ticket, admission, or pass is used. "Gift" shall not include honorary degrees and presents from  
74 relatives. For the purpose of this definition, "relative" means the donee's spouse, child, uncle, aunt,  
75 niece, or nephew; a person to whom the donee is engaged to be married; the donee's or his spouse's  
76 parent, grandparent, grandchild, brother, or sister; or the donee's brother's or sister's spouse.

77 "Governmental agency" means each component part of the legislative, executive or judicial branches  
78 of state and local government, including each office, department, authority, post, commission,  
79 committee, and each institution or board created by law to exercise some regulatory or sovereign power  
80 or duty as distinguished from purely advisory powers or duties.

81 "Immediate family" means (i) a spouse and (ii) any other person residing in the same household as  
82 the legislator, who is a dependent of the legislator or of whom the legislator is a dependent.  
83 "Dependent" means a son, daughter, father, mother, brother, sister or other person, whether or not  
84 related by blood or marriage, if such person receives from the legislator, or provides to the legislator,  
85 more than one-half of his financial support.

86 "Legislator" means a member of the General Assembly.

87 "Personal interest" means a financial benefit or liability accruing to a legislator or to a member of his  
88 immediate family. Such interest shall exist by reason of (i) ownership in a business if the ownership  
89 interest exceeds three percent of the total equity of the business; (ii) annual income that exceeds, or may  
90 reasonably be anticipated to exceed, \$10,000 from ownership in real or personal property or a business;  
91 (iii) salary, other compensation, fringe benefits, or benefits from the use of property, or any combination  
92 thereof, paid or provided by a business that exceeds, or may reasonably be anticipated to exceed,  
93 \$10,000 annually; (iv) ownership of real or personal property if the interest exceeds \$10,000 in value  
94 and excluding ownership in a business, income, or salary, other compensation, fringe benefits or benefits  
95 from the use of property; or (v) personal liability incurred or assumed on behalf of a business if the  
96 liability exceeds three percent of the asset value of the business.

97 "Personal interest in a contract" means a personal interest which a legislator has in a contract with a  
98 governmental agency, whether due to his being a party to the contract or due to a personal interest in a  
99 business which is a party to the contract.

100 "Personal interest in a transaction" means a personal interest of a legislator in any matter considered  
101 by the General Assembly. Such personal interest exists when an officer or employee or a member of his  
102 immediate family has a personal interest in property or a business, or represents any individual or  
103 business and such property, business or represented individual or business (i) is the subject of the  
104 transaction or (ii) may realize a reasonably foreseeable direct or indirect benefit or detriment as a result  
105 of the action of the agency considering the transaction. A "personal interest in a transaction" exists only  
106 if the legislator or member of his immediate family or an individual or business represented by the  
107 legislator is affected in a way that is substantially different from the general public or from persons  
108 comprising a profession, occupation, trade, business or other comparable and generally recognizable  
109 class or group of which he or the individual or business he represents is a member.

110 "Transaction" means any matter considered by the General Assembly, whether in a committee,  
111 subcommittee, or other entity of the General Assembly or before the General Assembly itself, on which  
112 official action is taken or contemplated.

113 **§ 30-110. Disclosure.**

114 A. Every legislator and legislator-elect shall file, as a condition to assuming office, a disclosure  
115 statement of his personal interests and such other information as is specified on the form set forth in  
116 § 30-111 and thereafter shall file such a statement annually on or before January 8. When the filing  
117 deadline falls on a Saturday, Sunday, or legal holiday, the disclosure statement shall be filed on the next  
118 day that is not a Saturday, Sunday, or legal holiday. Disclosure forms shall be provided by the clerk of  
119 the appropriate house Virginia Legislative Ethics Commission to each legislator and legislator-elect not  
120 later than November 30 of each year. Members of the Senate shall file their disclosure forms with the

Clerk of the Senate and members of the House of Delegates General Assembly shall file their disclosure forms with the Clerk of the House of Delegates Commission. The disclosure forms of the members of the General Assembly shall be maintained as public records for five years in the office of the clerk of the appropriate house Commission.

B. Candidates for the General Assembly shall file a disclosure statement of their personal interests as required by §§ 24.2-500 through 24.2-503.

C. Any legislator who has a personal interest in any transaction pending before the General Assembly and who is disqualified from participating in that transaction pursuant to § 30-108 and the rules of his house shall disclose his interest in accordance with the applicable rule of his house.

### § 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.

"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.

"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.

"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.

"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.

"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 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

182 Statement must be provided on the basis of the best knowledge, information and belief of the individual  
183 filing the Statement as of the date of this report unless otherwise stated.

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

185 You may attach additional explanatory information.

186 1. Offices and Directorships.

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

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

189 2. Personal Liabilities.

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

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

194 3. Securities.

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

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

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

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

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

205 5. Gifts.

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

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

214 6. Salary and Wages.

215 List each employer that pays you or a member of your immediate family salary or wages in excess  
216 of \$10,000 annually. (Exclude any salary received as a member of the General Assembly pursuant to  
217 § 30-19.11.)

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

219 \_\_\_\_\_  
220 \_\_\_\_\_  
221 \_\_\_\_\_

222 7. Business Interests and Lobbyist Relationships.

223 7A. Do you or a member of your immediate family, separately or together, operate your own  
224 business, or own or control an interest in excess of \$10,000 in a business?

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

226 7B. Do you have a lobbyist relationship as that term is defined above?

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

228 8. Payments for Representation and Other Services.

229 8A. Did you represent any businesses before any state governmental agencies, excluding courts or  
230 judges, for which you received total compensation during the past 12 months in excess of \$1,000,  
231 excluding compensation for other services to such businesses and representation consisting solely of the  
232 filing of mandatory papers and subsequent representation regarding the mandatory papers?

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

234 8B. Subject to the same exceptions as in 8A, did persons with whom you have a close financial  
235 association (partners, associates or others) represent any businesses before any state governmental agency  
236 for which total compensation was received during the past 12 months in excess of \$1,000?

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

238 8C. Did you or persons with whom you have a close financial association furnish services to  
239 businesses operating in Virginia, pursuant to an agreement between you and such businesses, or between  
240 persons with whom you have a close financial association and such businesses for which total  
241 compensation in excess of \$1,000 was received during the past 12 months? Services reported under this  
242 provision shall not include services involving the representation of businesses that are reported under  
243 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.

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

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

303 in value to the loan.

304 Report contingent liabilities below and indicate which debts are contingent.

305 1. My personal debts are as follows:

306	307	308	309	310	311	312	313	314	315	316	317	318	319	320	321	322	323	324	325	326	327
		Check																			
		appropriate																			
		categories																			
		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.)																			

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

329	330	331	332	333	334	335	336	337	338	339	340	341	342	343	344	345	346	347	348	349	350
		Check																			
		appropriate																			
		categories																			
		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

## 352 SCHEDULE C - SECURITIES.

353 "Securities" INCLUDES stocks, bonds,  
354 mutual funds, limited partnerships,  
355 and commodity futures contracts.

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

357 Identify each business or Virginia governmental entity in which you or a member of your immediate  
358 family, directly or indirectly, separately or together, own securities valued in excess of \$10,000. Name  
359 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.

If no reportable securities, check here / / .

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

RETURN TO ITEM 4

#### SCHEDULE D-1 - PAYMENTS FOR TALKS, MEETINGS, AND PUBLICATIONS.

List each source from which you received during the past 12 months lodging, transportation, money, or any other thing of value (excluding meals or drinks coincident with a meeting) with a combined value exceeding \$200 for your presentation of a single talk, participation in one meeting, or publication of a work in your capacity as a legislator. 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 / / .

			Type of Payment (e.g., Honoraria, Travel reimburse- ment, etc.)
Payer	Approximate Value	Circumstances	

RETURN TO ITEM 5

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

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

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

			Type of Payment (e.g., Travel reimbursement, etc.)
Payer	Approximate Value	Circumstances	

#### SCHEDULE E - GIFTS.





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	Name of Agency	Amount Received				
				\$1,001 to \$10,000	\$10,001 to \$50,000	\$50,001 to \$100,000	\$100,001 to \$250,000	\$250,001 and over

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

#### SCHEDULE G-2 - PAYMENTS FOR REPRESENTATION BY ASSOCIATES.

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

Identify such businesses by type and also name the state governmental agencies before which such person appeared on behalf of such businesses.

Type of Business	Name of State Governmental Agency

#### SCHEDULE G-3 - PAYMENTS FOR 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.



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. Each parcel 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
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

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.

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

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 Virginia Legislative Ethics Commission shall review the Statement of Economic Interests of all members of each house shall be reviewed the General Assembly.~~ 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 by the Commission that his Statement is inadequate as filed, fails to amend his Statement so as to come into compliance within the time limit set, the Commission shall refer the matter to the house in which he sits, and 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.

**§ 30-112. Virginia Legislative Ethics Commission; membership; terms; quorum; compensation and expenses.**

A. The Senate Ethics Advisory Panel and the House Ethics Advisory Panel are Virginia Legislative Ethics Commission is established in the legislative branch of state government. The provisions of §§ 30-112 through 30-119 shall be applicable to each panel.

B. The Senate Ethics Advisory Panel Commission shall be composed of five seven nonlegislative citizen members: three of whom shall be former members of the Senate; and two of whom shall be citizens of the Commonwealth at large who have not previously held such office, two of whom shall be former members of the House of Delegates, nominated by the Speaker; two of whom shall be citizens of the Commonwealth at large and shall not have held or hold elective office, nominated by the Speaker; one of whom shall be a former member of the Senate, nominated by the Committee on Rules of the Senate; and two of whom shall be citizens of the Commonwealth at large and shall not have held or hold elective office, nominated by the Senate Committee on Rules. All members of the Panel Commission shall be citizens of the Commonwealth. No member shall engage in activities requiring him to register as a lobbyist under § 2.2-422 during his tenure on the Panel Commission.

The members shall be nominated by the Committee on Rules of the Senate and confirmed by the Senate. After initial appointments, all appointments shall be for terms of four years each except for unexpired terms. Nominations shall be made so as to assure bipartisan representation on the Panel.

C. The House Ethics Advisory Panel shall be composed of five nonlegislative citizen members: one of whom shall be a retired justice or judge of a court of record; two of whom shall be former members of the House of Delegates; and two of whom shall be citizens of the Commonwealth at large, at least one of whom shall not have previously held such office. All members of the Panel shall be citizens of the Commonwealth. No member shall engage in activities requiring him to register as a lobbyist under § 2.2-422 during his tenure on the Panel.

The members shall be nominated by the Speaker of the House of Delegates and confirmed by the House of Delegates. After initial appointments, all appointments shall be for terms of four years each except for unexpired terms. Nominations shall be made so as to assure bipartisan representation on the Panel.

D. Each panel C. The Commission shall elect its own chairman and vice-chairman from among its membership.

E. D. No member shall serve more than three successive four-year terms. Vacancies shall be filled only for the unexpired term. Vacancies shall be filled in the same manner as the original appointments. The remainder of any term to which a member is appointed to fill a vacancy shall not constitute a term in determining the member's eligibility for reappointment.

F. Three E. Four members shall constitute a quorum on each panel the Commission. A vacancy shall not impair the right of the remaining members to exercise all powers of the Panel Commission. Meetings of each panel shall be held at the call of the chairman or whenever the majority of the members so request.

G. F. The members of each panel, while serving on the business of the Panel Commission, are performing legislative duties and shall be entitled to the compensation and reimbursement of expenses to which members of the General Assembly are entitled when performing legislative duties pursuant to §§ 2.2-2813, 2.2-2825, and 30-19.12. Funding for the cost of compensation and expenses of the members of the Senate Ethics Advisory Panel shall be provided by the Office of the Clerk of the Senate and the funding for the cost of compensation and expenses of the House Ethics Advisory Panel shall be provided by the Office of the Clerk of the House of Delegates pursuant to the appropriation act.

**§ 30-113. Powers and duties of the Commission.**

The powers and duties of the ~~Panel~~ *Commission* shall be applied and used only in relation to members of the respective house of the General Assembly for which it is created. The ~~Panel~~ *Commission* shall establish its rules of procedure, including rules for the conduct of open meetings and hearings.

**§ 30-114. Filing of complaints; procedures; disposition.**

A. In response to the signed and sworn complaint of any citizen of the Commonwealth, which is subscribed by the maker as true under penalty of perjury, submitted to the ~~Panel~~ *Commission*, the ~~Panel~~ *Commission* shall inquire into any alleged violation of Articles 2 (§ 30-102 et seq.) through 5 (§ 30-109 et seq.) of this chapter by any member of the respective house of the General Assembly in his current term or his immediate prior term. Complaints shall be filed with the Director of the Division of Legislative Services, who shall promptly (i) submit the complaint to the chairman of the appropriate ~~Panel~~ *Commission* and (ii) forward a copy of the complaint to the legislator named in the complaint. The chairman shall promptly notify the ~~Panel~~ *Commission* of the complaint. No complaint shall be filed with the ~~Panel~~ *Commission* 60 or fewer days before a primary election or other nominating event or before a general election in which the cited legislator is running for office, and the ~~Panel~~ *Commission* shall not accept or act on any complaint received during this period.

B. The ~~Panel~~ *Commission* shall determine, during its preliminary investigation, whether the facts stated in the complaint taken as true are sufficient to show a violation of Articles 2 (§ 30-102 et seq.) through 5 (§ 30-109 et seq.) of this chapter. If the facts, as stated in the complaint, fail to give rise to such a violation, then the ~~Panel~~ *Commission* shall dismiss the complaint. If the facts, as stated in the complaint, give rise to such a violation, then the ~~Panel~~ *Commission* shall request that the complainant appear and testify under oath as to the complaint and the allegations therein. After hearing the testimony and reviewing any other evidence provided by the complainant, the ~~Panel~~ *Commission* shall dismiss the complaint if the ~~Panel~~ *Commission* fails to find by a preponderance of the evidence that such violation has occurred. If the ~~Panel~~ *Commission* finds otherwise, it shall proceed with the inquiry.

C. If after such preliminary investigation, the ~~Panel~~ *Commission* determines to proceed with an inquiry into the conduct of any legislator, the ~~Panel~~ *Commission* (i) shall immediately notify in writing the individual who filed the complaint and the cited legislator as to the fact of the inquiry and the charges against the legislator and (ii) shall schedule one or more hearings on the matter. The legislator shall have the right to present evidence, cross-examine witnesses, face and examine the accuser, and be represented by counsel at any hearings. In its discretion, the ~~Panel~~ *Commission* may grant the legislator any other rights or privileges not specifically enumerated in this subsection. Once the ~~Panel~~ *Commission* has determined to proceed with an inquiry, its meetings and hearings shall be open to the public.

D. Once the ~~Panel~~ *Commission* determines to proceed with an inquiry into the conduct of any legislator, ~~the Panel~~ it shall complete its investigations and dispose of the matter as provided in § 30-116 notwithstanding the resignation of the legislator during the course of ~~the Panel's~~ its proceedings.

**§ 30-115. Subpoenas.**

The ~~Panel~~ *Commission* may issue subpoenas to compel the attendance of witnesses or the production of documents, books, or other records. ~~The Panel~~ It may apply to the Circuit Court of the City of Richmond to compel obedience to ~~the its~~ subpoenas of the ~~Panel~~. Notwithstanding any other provisions of law, every state and local governmental agency, and units and subdivisions thereof, shall make available to the ~~Panel~~ *Commission* any documents, records, data, statements, or other information, except tax returns or information relating thereto, ~~which that~~ the ~~Panel~~ *Commission* designates as being necessary for the exercise of its powers and duties.

**§ 30-116. Disposition of cases.**

Within 120 days of the chairman's forwarding the signed and sworn complaint to the ~~Panel~~ *Commission*, the ~~Panel~~ *Commission*, or a majority of its members acting in its name, shall dispose of the matter in one of the following ways:

1. a. If the ~~Panel~~ *Commission* determines in its preliminary investigation that the complaint is without merit, ~~the Panel~~ it shall dismiss the complaint, so advise the complainant and legislator, and take no further action. In such case, the ~~Panel~~ *Commission* shall retain its records and findings in confidence unless the legislator under inquiry requests in writing that the records and findings be made public.

b. If the ~~Panel~~ *Commission* determines in the course of its proceedings that the facts and evidence show that the complaint is without merit, ~~the Panel~~ it shall dismiss the complaint, so advise the complainant and legislator, and report its action to the Clerk of the appropriate house, for the information of the House or Senate.

2. If the ~~Panel~~ *Commission* determines that there is a reasonable basis to conclude that the legislator has violated the provisions of this chapter but that the violation was not made knowingly, ~~the Panel~~ it shall refer the matter by a written report setting forth its findings and the reasons therefor to the appropriate house of the General Assembly for appropriate action. All ~~Panel~~ *Commission* reports, which

are advisory only, shall be delivered to the Clerk of the appropriate house, who shall refer the report to the Committee on Privileges and Elections in accordance with the rules of the appropriate house. Said Committee shall in all cases report, after due hearings and consideration, its determination of the matter and its recommendations and reasons for its resolves to the appropriate house. If the Committee deems disciplinary action warranted, it shall report a resolution to express such action. The appropriate house as a whole shall then consider the resolution, and if it finds the legislator in violation of any provision of this chapter, it may by recorded vote take such disciplinary action as it deems warranted.

3. If the ~~Panel~~ *Commission* determines that there is a reasonable basis to conclude that the legislator knowingly violated any provision of Article 2 (§ 30-102 et seq.), 3 (§ 30-104 et seq.), 4 (§ 30-107 et seq.) or 5 (§ 30-109 et seq.) ~~of this chapter~~, except § 30-108 or subsection C of § 30-110, it shall refer the matter by a written report setting forth its findings and the reasons therefor to the Attorney General for such action he deems appropriate. The ~~Panel~~ *Commission* shall also file its report with the Clerk of the appropriate house, who shall refer the report in accordance with the rules of his house. In the event the Attorney General determines not to prosecute the alleged violation, he shall notify the Clerk of the appropriate house of his determination and the Clerk shall send the report to the Committee on Privileges and Elections. The matter shall thereafter be handled in accordance with the provisions of subdivision 2.

4. If the ~~Panel~~ *Commission* determines that there is a reasonable basis to conclude that the legislator has violated § 30-108 or subsection C of § 30-110, it shall refer the matter by a written report to the appropriate house pursuant to subdivision 2. As its first order of business other than organizational matters and committee work, the house in which the member sits shall immediately upon the convening of the next regular or special session take up and dispose of the matter by taking one or more of the following actions: (i) dismiss the complaint; (ii) sustain the complaint and reprimand the member; (iii) sustain the complaint, censure the member, and strip the member of his seniority; (iv) sustain the complaint and expel the member by a two-thirds vote of the elected members; (v) in the event the house finds a knowing violation, it shall refer the matter to the Attorney General pursuant to subdivision 3.

5. The ~~Panel~~ *Commission* shall make public any report that it makes pursuant to the provisions of subdivision 1 b, 2, 3, or 4 on the date it refers its report.

#### **§ 30-117. Confidentiality of proceedings.**

All proceedings during the investigation of any complaint by the ~~Panel~~ *Commission* shall be confidential. This rule of confidentiality shall apply to ~~Panel~~ *Commission* members and their staff, the Committee on Privileges and Elections and its staff, and the Division of Legislative Services.

#### **§ 30-118. Staff for Commission.**

The ~~Panel~~ *Commission* may hire staff and outside counsel to assist the ~~Panel~~ and to conduct examinations of witnesses, subject to the approval of the President Pro Tempore of the Senate for the Senate Ethics Advisory Panel and subject to the approval of the Speaker of the House of Delegates for the House Ethics Advisory Panel. The ~~Panel~~ *Commission* may have the Director of the Division of Legislative Services, and such additional staff as he may assign, assist the ~~Panel~~ it during its preliminary investigation and during its proceedings.

#### **§ 30-119. Jurisdiction of Commission.**

The ~~Senate and House Ethics Advisory Panels~~ *Commission* shall have jurisdiction over any complaint alleging a violation of Articles 2 (§ 30-102 et seq.) through 5 (§ 30-109 et seq.) ~~of this chapter~~ that occurs on or after August 1, 1987, and over any complaint alleging a violation of the Comprehensive Conflict of Interests Act occurring after July 1, 1984, and prior to August 1, 1987 ~~January 10, 2007~~.

#### **§ 30-127. Criminal prosecutions.**

A. Violations of this chapter may be prosecuted notwithstanding the jurisdiction of, or any pending proceeding before, the ~~House or Senate Ethics Advisory Panel~~ *Virginia Legislative Ethics Commission*.

B. Nothing in this chapter shall limit or affect the application of other criminal statutes and penalties as provided in the Code of Virginia, including but not limited to bribery, embezzlement, perjury, conspiracy, fraud, and violations of the Campaign Finance Disclosure Act Chapter 9.3 (§ 24.2-945 et seq.) of Title 24.2.

2. That the initial appointments of the members to the Virginia Legislative Ethics Commission shall be staggered as follows: one former member of the House of Delegates and one citizen member at large for a term of two years appointed by the Speaker of the House of Delegates; one former member of the House of Delegates and one citizen member at large for a term of four years appointed by the Speaker of the House of Delegates; one citizen member at large for a term of two years appointed by the Senate Committee on Rules; and one former member of the Senate and one citizen member at large for a term of four years appointed by the Senate Committee on Rules.

3. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation is \$0 for periods of imprisonment in state adult correctional facilities and is \$0 for periods of

836 commitment to the custody of the Department of Juvenile Justice.

**INTRODUCED**

SB219