VIRGINIA ACTS OF ASSEMBLY — CHAPTER

An Act to amend and reenact §§ 2.1-639.15 and 2.1-639.41 of the Code of Virginia, relating to the conflict of interests laws; disclosure forms.

[H 2090] 4 5

Approved

Be it enacted by the General Assembly of Virginia: 1. That §§ 2.1-639.15 and 2.1-639.41 of the Code of Virginia are amended and reenacted as follows:

§ 2.1-639.15. Disclosure form.

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The disclosure form to be used for filings required by § 2.1-639.13 A and D, and § 2.1-639.14 A and D shall be substantially as follows:

STATEMENT OF ECONOMIC INTERESTS.

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 officer or employee, who is a dependent of the officer or employee or of whom the officer or employee is a dependent.

"Dependent" means any person, whether or not related by blood or marriage, who receives from the officer or employee, or provides to the officer or employee, 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" does not mean an association based on the receipt of retirement benefits or deferred compensation from a business by which the person filing this statement is no longer employed. "Close financial association" does not include an association based on the receipt of compensation for work performed by the person filing as an independent contractor of a business that represents an entity before any state governmental agency when the person filing has had no communications with the state governmental agency.

"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

53 or other admission or pass unless the ticket, admission, or pass is **54** used. "Gift" shall not include honorary degrees and presents from 55 relatives. "Relative" means the donee's spouse, child, uncle, aunt, 56 niece, or nephew; a person to whom the donee is 57 engaged to be married; the donee's or his spouse's parent, 58 grandparent, grandchild, brother, or sister; or the donee's 59 brother's or sister's spouse.

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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.

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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.

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COMPLETE ITEMS 1 THROUGH 10. REFER TO SCHEDULES ONLY IF DIRECTED.

You may attach additional explanatory information.

83 1. Offices and Directorships. 84

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.

3. 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. EITHER check NO $\ / \ \ /$ OR check YES $\ / \ \ /$ and complete Schedule C.

102 4. Payments for Talks, Meetings, and Publications. 103 During the past 12 months did you receive lodging, 104 transportation, money, or anything else of value with a 105 combined value exceeding \$200 for a single talk, meeting, 106 or published work in your capacity as an officer or employee of 107 your agency? 108

EITHER check NO $\ / \ \ /$ OR check YES $\ / \ \ /$ and complete

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        Schedule D.
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    5. Gifts.
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        During the past 12 months did a business, government, or
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         individual other than a relative or personal friend furnish
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        you with any gift or gifts the total value of which
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        exceeded $200 $50 and for which you neither paid nor rendered
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        services in exchange? Account for all business entertainment
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         (except if related to your private profession or occupation)
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        even if unrelated to your official duties.
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        EITHER check NO / / OR check YES / / and complete
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        Schedule E.
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    6. Salary and Wages.
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        List each employer that pays you or a member of your immediate
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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 / /.

128 7. Business Interests.

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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.

- 134 8. Payments for Representation.
- 135 8A. Did you represent any businesses before any state governmental 136 agencies, excluding courts or judges, for which you received 137 total compensation during the past 12 months in excess of 138 \$1,000, excluding compensation for other services to such 139 businesses and representation consisting solely of the filing 140 of mandatory papers and subsequent representation regarding the 141 mandatory papers? (Officers and employees of local 142 governmental and advisory agencies do NOT need to answer this 143 question or complete Schedule G-1.) 144 EITHER check NO $\ / \ \ /$ OR check YES $\ / \ \ /$ and complete 145 Schedule G-1.
- 146 8B. Subject to the same exceptions as in 8A, did persons with whom 147 you have a close financial association (partners, associates or 148 others) represent any businesses before any state governmental 149 agency for which total compensation was received during the past **150** 12 months in excess of \$1,000? (Officers and employees of local 151 governmental and advisory agencies do NOT need to answer this 152 question or complete Schedule G-2.)
- 153 EITHER check NO / / OR check YES / / and complete 154 Schedule G-2.
- 155 8C. Did you or persons with whom you have a close financial 156 association furnish services to businesses operating in 157 Virginia for which total compensation in excess of \$1,000 158 was received during the past 12 months? 159
- EITHER check NO $\ / \ \ /$ OR check YES $\ / \ \ /$ and complete 160 Schedule G-3.
- 161 Real Estate. 9.
- 162 9A. State Officers and Employees.
- 163 Do you or a member of your immediate family hold an interest, 164 including a partnership interest, valued at \$10,000 or more in

4 of 25 165 real property (other than your principal residence) for which 166 you have not already listed the full address on Schedule F? 167 Account for real estate held in trust. 168 EITHER check NO / / OR check YES / / and complete 169 Schedule H-1. **170** 9B. Local Officers and Employees. 171 Do you or a member of your immediate family hold an interest, 172 including a partnership interest, valued at \$10,000 or more in 173 real property located in the county, city or town in which you 174 serve or in a county, city or town contiguous to the county, 175 city or town in which you serve (other than your principal 176 residence) for which you have not already listed the full 177 address on Schedule F? Account for real estate held in trust. 178 EITHER check NO / / OR check YES / / and complete 179 Schedule H-2. 180 10. Real Estate Contracts with Government Agencies. 181 Do you or a member of your immediate family hold an interest 182 valued at more than \$10,000 in real estate, including a 183 corporate, partnership, or trust interest, option, 184 easement, or land contract, which real estate is the subject of a contract, whether pending or completed within 185 186 the past twelve months, with a governmental agency? If the 187 real estate contract provides for the leasing of the property 188 to a governmental agency, do you or a member of your immediate 189 family hold an interest in the real estate valued at more than 190 \$1,000? Account for all such contracts whether or not your 191 interest is reported in schedules F, H-1, or H-2. This 192 requirement to disclose an interest in a lease does not apply 193 to an interest derived through an ownership interest in a 194 business unless the ownership interest exceeds three percent 195 of the total equity of the business. 196 EITHER check NO / / OR check YES / / and complete 197 Schedule I. 198 199 Statements of Economic Interests are open for public inspection. 200 201 AFFIRMATION BY ALL FILERS 202 203 I swear or affirm that the foregoing information is full, true and 204 correct to the best of my knowledge. 205 206 Signature..... 207 Commonwealth of Virginia 208of......to wit: 209 The foregoing disclosure form was acknowledged before me 210 211 Notary Public 212 My commission expires..... 213 (Return only if needed to complete Statement.) 214 215 SCHEDULES 216 to

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NAME.....

STATEMENT OF ECONOMIC INTERESTS

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SCHEDULE B - PERSONAL	LIABILITIES.		
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SCHEDULE C - SECURITIES.		
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Identify each business or Virginia governor a member of your immediate family, diresparately or together, own securities va	ectly or indirect	ly,
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personal friend given for reasons clearly unrelated to

your public position. Do not list campaign contributions

publicly reported as required by Chapter 9 (§ 24.2-900 et seq.)

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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

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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.

Only STATE officers and employees should complete this Schedule.

Amount Received

462 463 464 465 466 467	Name of Busi- ness	Type of Busi- ness	Pur- pose of Repre- senta- tion	Name of Agen- cy	\$1,001 to \$10,000	More than \$10,000			
468					\$1,001	\$10,001	\$50,001	\$100,001	\$250,001
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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.

Only STATE officers and employees should complete this Schedule.

Type of business Name of state governmental agency

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CHEDULE G	 ;-3 - PAY						
CHEDULE G	;-3 - PAY						
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SCHEDULE I - REAL ESTATE CONTRACTS WITH GOVERNMENT AGENCIES.

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List all contracts, whether pending or completed within the

past twelve months, with a 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 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. State officers and employees report contracts with state agencies.

Local officers and employees report contracts with local agencies.

683 List your real 684 estate interest 685 and the person 686 or entity, 687 including the 688 type of entity, 689 which is party 690 to the contract. 691 Describe any 692 management role 693

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723 724 List each governmental agency which is a party to the contract and indicate the county or city where the real immediate family estate is located.

State the annual income from the contract, and the amount, if any, of income you or any member derives annually from the contract.

and the percentage ownership interest you or your immediate family

member has in the real estate or entity.

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§ 2.1-639.41. Disclosure form.

A. The disclosure form to be used for filings required by § 2.1-639.40 A and B 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

725 marriage, who receives from the legislator, or provides to the 726 legislator, more than one-half of his financial support.

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"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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"Close financial association" does not mean an association based on the receipt of retirement benefits or deferred compensation from a business by which the legislator is no longer employed. "Close financial association" does not include an association based on 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.

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"Gift" means any gratuity, favor, discount, entertainment, 743 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.

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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.

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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.

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COMPLETE ITEMS 1 THROUGH 10. REFER TO SCHEDULES ONLY IF DIRECTED.

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You may attach additional explanatory information.

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1. Offices and Directorships.

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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. 781 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.

3. 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.

EITHER 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?

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 furnish you with any gift or gifts the total value of which exceeded \$200 \$50 and for which you neither paid nor rendered services in exchange? 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 / /.

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7. Business Interests.

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.

- 8. Payments for Representation.
- 8A. Did 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.

837 8C. Did you or persons with whom you have a close financial
838 association furnish services to businesses operating in Virginia
839 for which total compensation in excess of \$1,000 was received
840 during the past 12 months?

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 twelve 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 Schedules 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.

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.

882	Signature
883	Commonwealth of Virginia
884	of to wit:
885	The foregoing disclosure form was acknowledged before me
886	This day of 19 by
887	Notary Public
888	My commission expires
889	(Return only if needed to complete Statement.)
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SCHEDULES

17 of 25

		NAME		
SCHEDULE A	4 - OFFICES A	ND DIRECTORSHIPS.		
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creditor.)		-		
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(State princip	al busines	s or occupation of		
each creditor.)			
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SCHEDULE C - S	ECURITIES.			
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SCHEDULE I	- PAYMENTS FOR TALKS,	MEETINGS, AND PUR	BLICATIONS.
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SCHEDULE E - GIFTS.

List each business, governmental entity, or individual that furnished you with any gift or gifts whose total value exceeded \$200 \$50 during the past 12 months and for which you neither paid nor rendered services in exchange. Do not list business entertainment related to your private profession or occupation. Do not list gifts or other things of value given by a relative or personal friend for reasons clearly unrelated to your public position. Do not list campaign contributions publicly reported as required by Chapter 9 of Title 24.2 of the Code of Virginia.

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Name of Business, Organization, or Individual	· ·	y or County State	Annas	oximate	Walua
Individual		state			
				ETURN TO	ITEM
SCHEDULE F - BUSINES	SS INTERESTS.				
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1173 SCHEDULE G-3 - PAYMENTS FOR REPRESENTATION GENERALLY.
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1175
       Indicate below types of businesses that operate in Virginia to
1176
       which services were furnished by you or persons with whom you
1177
       have a close financial association and for which total
1178
       compensation in excess of $1,000 was received during the past 12
1179
       months.
1180
1181
       Identify opposite each category of businesses listed below (i)
1182
       the type of business, (ii) the type of service rendered and (iii)
1183
       the value by dollar category of the compensation received for all
1184
1185
       businesses falling within each category.
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                                          Value of Compensation
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of real estate ind	ividually if you wish.	
(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 EST	TATE CONTRACTS WITH STATE	GOVERNMENTAL AGENCIES.
state governmental you or a member of valued at \$1,000 c interest in a leas an ownership inter	t \$10,000 or more. List a agency for the lease of your immediate family hour more. This requirement e does not apply to an in est in a business unless ent of the total equity o	real estate in which lds such an interest to disclose an terest derived through the ownership interest
List your real estate interest and the person or entity, including the type of entity, which is party to the contract Describe any	the contract and indicate the county	State the annual income from the contract, and the amount, if any, of income you or any immediate family member
management role and the percentage ownership interest you or your immediate family member has in the real estate or entity.	located.	derives annually from the contract.

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- 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, directed to file an amended Statement correcting the indicated deficiencies, and a time 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.