2010 SESSION

	10105290D
1	HOUSE BILL NO. 740
2	AMENDMENT IN THE NATURE OF A SUBSTITUTE
3	(Proposed by the House Committee on Rules
4	on February 11, 2010)
5	(Patrons Prior to Substitute—Delegates Janis and Plum [HB 321])
6 7	A BILL to amend and reenact § 30-111 of the Code of Virginia, relating to the General Assembly Conflicts of Interests Act; disclosure of salary.
8	Be it enacted by the General Assembly of Virginia:
9	1. That § 30-111 of the Code of Virginia is amended and reenacted as follows:
10	§ 30-111. Disclosure form.
11	A. The disclosure form to be used for filings required by subsections A and B of § 30-110 shall be
12	substantially as follows:
13	STATEMENT OF ECONOMIC INTERESTS.
14	Name
15	Office or position held or sought
16	Home address
17	Names of members of immediate family DEFINITIONS AND EXPLANATORY MATERIAL.
18 19	"Immediate family" means (i) a spouse and (ii) any other person residing in the same household as
20	the legislator, who is a dependent of the legislator or of whom the legislator is a dependent.
21	"Dependent" means any person, whether or not related by blood or marriage, who receives from the
22	legislator, or provides to the legislator, more than one-half of his financial support.
23	"Business" means a corporation, partnership, sole proprietorship, firm, enterprise, franchise,
24	association, trust or foundation, or any other individual or entity carrying on a business or profession,
25	whether or not for profit.
26 27	"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
28	individual's business activities and would have access to the necessary records either directly or through
29	the individual. "Close financial association" does not mean an association based on (i) the receipt of
30	retirement benefits or deferred compensation from a business by which the legislator is no longer
31	employed, or (ii) the receipt of compensation for work performed by the legislator as an independent
32	contractor of a business that represents an entity before any state governmental agency when the
33 34	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
34 35	fixed or determined in the future with the occurrence of some certain event.
36	"Gift" means any gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item
37	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 42	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,
43	or sister; or the donee's brother's or sister's spouse.
4 4	"Lobbyist relationship" means (i) an engagement, agreement, or representation that relates to legal
45	services, consulting services, or public relations services, whether gratuitous or for compensation,
46	between a member or member-elect and any person who is, or has been within the prior calendar year,
47	registered as a lobbyist with the Secretary of the Commonwealth, or (ii) a greater than three percent
48	ownership interest by a member or member- elect in a business that employs, or engages as an
49 50	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)
50 51	constitute a waiver of any attorney-client or other privilege, (ii) require a waiver of any attorney-client
52	or other privilege for a third party, or (iii) be required where a member or member-elect is employed or
53	engaged by a person and such person also employs or engages a person in a lobbyist relationship so
54	long as the member or member-elect has no financial interest in the lobbyist relationship.
55	TRUST. If you or your immediate family, separately or together, are the only beneficiaries of a trust,
56	treat the trust's assets as if you own them directly. If you or your immediate family has a proportional
57 58	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
50 59	own one-third of each of the trust's assets. If you or a member of your immediate family created a trust
59	own one-third of each of the trust's assets. If you or a member of your immediate family created a trust

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- and can revoke it without the beneficiaries' consent, treat its assets as if you own them directly. 60
- REPORT TO THE BEST OF INFORMATION AND BELIEF. Information required on this 61 62 Statement must be provided on the basis of the best knowledge, information and belief of the individual 63 filing the Statement as of the date of this report unless otherwise stated.
- 64 COMPLETE ITEMS 1 THROUGH 11. REFER TO SCHEDULES ONLY IF DIRECTED.
- 65 You may attach additional explanatory information.
- 66 1. Offices and Directorships.
- 67 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. **68**
- 69 2. Personal Liabilities.

70 Do you or a member of your immediate family owe more than \$10,000 to any one creditor including 71 contingent liabilities? (Exclude debts to any government and loans secured by recorded liens on property 72 at least equal in value to the loan.)

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

74 3. Securities.

75 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 76 77 partnerships and trusts.

- 78 EITHER check NO / / OR check YES / / and complete Schedule C.
- 79 4. Payments for Talks, Meetings, and Publications.

80 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 81 a legislator? Do not include payments and reimbursements from the Commonwealth for meetings attended in your capacity as a legislator; see Question 11 and Schedule D2 to report such meetings. 82 83

- 84 EITHER check NO / / OR check YES / / and complete Schedule D.
- 85 5. Gifts.

86 During the past 12 months did a business, government, or individual other than a relative or personal 87 friend (i) furnish you with any gift or entertainment at a single event, and the value received by you 88 exceeded \$50 in value or (ii) furnish you with gifts or entertainment in any combination and the value 89 received by you exceeded \$100 in total value; and for which you neither paid nor rendered services in 90 exchange? Account for entertainment events only if the average value per person attending the event 91 exceeded \$50 in value. Account for all business entertainment (except if related to your private 92 profession or occupation) even if unrelated to your official duties.

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

94 6. Salary and Wages.

List each employer that pays you or a member of your immediate family salary or wages in excess 95 96 of \$10,000 annually. (Exclude state or local government or advisory agencies any salary received as a 97 member of the General Assembly pursuant to § 30-19.11.)

- If no reportable salary or wages, check here / /. 98 99
- 100 101

102

- 7. Business Interests and Lobbyist Relationships.
- 103 7A. Do you or a member of your immediate family, separately or together, operate your own business, or own or control an interest in excess of \$10,000 in a business? 104
- EITHER check NO / / OR check YES / / and complete Schedule F-1. 105
- 7B. Do you have a lobbyist relationship as that term is defined above? 106
- EITHER check NO / / OR check YES / / and complete Schedule F-2. 107
- 108 8. Payments for Representation and Other Services.

109 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, 110 excluding compensation for other services to such businesses and representation consisting solely of the 111 112 filing of mandatory papers and subsequent representation regarding the mandatory papers?

EITHER check NO / / OR check YES / / and complete Schedule G-1. 113

114 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 115 116 for which total compensation was received during the past 12 months in excess of \$1,000? 117

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

8C. Did you or persons with whom you have a close financial association furnish services to 118 119 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 120 compensation in excess of \$1,000 was received during the past 12 months? Services reported under this 121

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122	provision shall not include services involving the representation of businesses that are reported under
123	question 8A or 8B above.
124	EITHER check NO / / OR check YES / / and complete Schedule G-3.
125	9. Real Estate.
126	Do you or a member of your immediate family hold an interest, including a partnership interest,
127	valued at \$10,000 or more in real property (other than your principal residence) for which you have not
128 129	already listed the full address on Schedule F? Account for real estate held in trust.
129	EITHER check NO / / OR check YES / / and complete Schedule H. 10. Real Estate Contracts with State Governmental Agencies.
130	Do you or a member of your immediate family hold an interest valued at more than \$10,000 in real
131	estate, including a corporate, partnership, or trust interest, option, easement, or land contract, which real
132	estate is the subject of a contract, whether pending or completed within the past 12 months, with a state
134	governmental agency?
135	If the real estate contract provides for the leasing of the property to a state governmental agency, do
136	you or a member of your immediate family hold an interest in the real estate, including a corporate,
137	partnership, or trust interest, option, easement, or land contract valued at more than \$1,000? Account for
138	all such contracts whether or not your interest is reported in Schedule F or H. This requirement to
139	disclose an interest in a lease does not apply to an interest derived through an ownership interest in a
140	business unless the ownership interest exceeds three percent of the total equity of the business.
141	EITHER check NO / / OR check YES / / and complete Schedule I.
142	11. Payments by the Commonwealth for Meetings.
143	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 cingle matting attended
144 145	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
145	meetings attended in the Commonwealth.
147	EITHER check NO / / OR check YES / / and complete Schedule D-2.
148	Statements of Economic Interests are open for public inspection.
149	AFFIRMATION.
150	In accordance with the rules of the house in which I serve, if I receive a request that this disclosure
151	statement be corrected, augmented, or revised in any respect, I hereby pledge that I shall respond
152	promptly to the request. I understand that if a determination is made that the statement is insufficient, I
153	will satisfy such request or be subjected to disciplinary action of my house.
154	I swear or affirm that the foregoing information is full, true and correct to the best of my knowledge.
155	Signature
156	Commonwealth of Virginia
157 158	of to wit: The foregoing disclosure form was acknowledged before me
150	This day of, 20, by
160	Notary Public , 20, by
161	My commission expires
162	(Return only if needed to complete Statement.)
163	SCHEDULES
164	ТО
165	STATEMENT OF ECONOMIC INTERESTS.
166	
167	SCHEDULE A - OFFICES AND DIRECTORSHIPS.
168	Identify each business of which you or a member of your immediate family is a paid officer or paid
169 170	director.
170	
171	
172	Name of Business Address of Business Position Held
173 174	
1 / 7	

179 180 181 SCHEDULE B - PERSONAL LIABILITIES. Report personal liability by checking each category. Report only debts in excess of \$10,000. Do not

RETURN TO ITEM 2

Check	Check one
appropriate	\$10,001 to More t
categories	\$50,000 \$50,00
Banks	
Savings institutions	
Other loan or finance companies	
Insurance companies	
Stock, commodity or other brokerage	
companies	
Other businesses:	
(State principal business activity for each	
creditor.)	
Individual creditors:	
(State principal business or occupation of	
each creditor.)	
2. The personal decision are memoris of my miniculate fam 	
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Check appropriate	nily are as follows: Check one \$10,001 to More t
Check	nily are as follows: Check one
Check appropriate categories Banks	nily are as follows: Check one \$10,001 to More t
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HOUSE SUBSTITUTE

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Name of Issuer	Type of	Type of (stocks	E Security s, bonds, Eunds, etc.)	\$10,001 to	Check one \$50,001 to	More than
		•		from a source	e of income li	isted on Scl
If no payment mu 		check here	//.	 Тур		 It
If no payment mu		check here /	//.	 Тур (е. Тга	e of Paymer	 it ia,
If no payment mu	Approximat	e Value	//. Circumstanc	Typ (e. Tra es men	e of Paymen g., Honorar vel reimbur t, etc.)	
If no payment mu	Approximat - PAYMENT g for which bu for lodging with a meet legislator. D	e Value CS BY THE the Commo g, transport ing) with a o not list	Circumstanc	Typ (e. Tra es men 	e of Paymen g., Honorar vel reimbur t, etc.) TURN TO ITF MEETINGS. or reimburse hing of value \$200 for you	 it ria, rse- ments du (excludin r particip

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List each busine ou with any gift due, or (ii) furnis ou exceeded \$100 st each such gift Do not list ente 50 in value. Do not st gifts or other th	or entertainmo shed you with) in total valu or event. ertainment event ot list busines	ent at a gifts on e; and f ents unle s enterta	r entertainment for which you ess the average inment related	nd the value in any comb neither paid n value per pe to your privat	received by pination and t nor rendered rson attending e profession of	you exceeded he value rece services in ex g the event expression
pur public positio 24.2-945 et seq.)	n. Do not list of Title 24.2	t campai of the C	ign contributior Code of Virginia	ns publicly re	ported as req	uired by Cha
Name of Busin Organization,		y or nty				
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	1 - BUSINESS Schedule for e g work), partn	5 INTER ach self- ership, c	RESTS. -owned or fam or corporation	ily-owned bus in which you	RETURN TO I siness (includ or a membe	ITEM 6 ing rental pro er of your im
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(ii) any business in which you have a greater than three percent ownership interest and that business
 employs, or engages as an independent contractor, any person who is, or has been within the prior
 calendar year, registered as a lobbyist with the Secretary of the Commonwealth.

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or busine	n person	Describe relation		Dates of relation	ship	Lo \$10,000	ments to bbyist More tha: \$10,0001
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PERSON AN	D SUCH P	ERSON AL	SO EMPL	OYS OR	ENGAGES	A PERSO	N IN A LOBI
INTEREST IN		BYIST REL	ATIONSH	IP.			
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excluding con	npensation for	or other serv	vices to suc	ch business	es and repr	esentation co	onsisting solely
Identify ea	ch business,	the nature	of the rep	resentation	and the an	nount receiv	papers filed by y red by dollar ca
from each suc by law not to	ch business.	You may sta	ate the typ	e, rather th	nan name, o	f the busine	ess if you are re
-			-				
	Pur-						
Name Ty	pose				Amount	Received	
Name Ty of of	pose /pe of E Repr	e- Name	\$1,001	\$10,001		Received \$100,001	
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of of Busi- Bu ness ne 	pose pose pe of Repr ssi- sent sess tion ress tion	e- Name a- of Agency 	to \$10,000 more from earest \$10, OR REPRI represente your partn	to \$50,000 a single 000. Amou ESENTATI d before a ers, associa	\$50,001 to \$100,000	\$100,001 to \$250,000 	\$250,001 and over
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of of Busi- Bu ness ne 	pose pose pose Repr ssi- sent ss tion pose Repr stion representation pose Repr	e- Name a- of Agency 	to \$10,000 more from earest \$10, OR REPRI represente your partn d total cor representa ng the mano association and also na	to \$50,000 a single 1 000. Amou ESENTATI d before a ers, associan pensation tion consis datory pape n.	\$50,001 to \$100,000	\$100,001 to \$250,000 	\$250,001 and over
of of Busi- Bu ness ne 	pose pose pose Repr ssi- sent ss tion pose Repr stion representation pose Repr	e - Name a - of Agency 	to \$10,000 	to \$50,000 	\$50,001 to \$100,000	\$100,001 to \$250,000 	\$250,001 and over

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SCHEDULE G-3 - PAY							
Indicate below types of							
r persons with whom you							
uch businesses, or betwee usinesses and for which	total co	MIS WIU mpensat	ion in ev	ou nave a	000 was r	eceived dur	ing the n
onths. Services reported i							
usinesses that are reported						C	•
Identify opposite each c							
ervice rendered and (iii) that alling within each category.		by dol	lar categor	y of the c	ompensation	received f	or all bus
	Check						
	if	Type		_	_		
	ser-	of		Value	of Compen	nsation	
	vices		41 001	410 001		4100 001	
		vice	\$1,001		\$50,001		60E0 00
	ren- dered	ren- dered	to \$10 000	to \$50_000	to \$100,000	to \$250_000	\$250,00
Electric utilities	ucreu	ucreu	7±0,000	~JU,000	Y±00,000	, UUU	ana 0ve
Gas utilities					<u> </u>	·	
Telephone utilities							
Water utilities							
Cable television							
companies						. <u></u>	
Interstate							
transportation							
companies							<u> </u>
Intrastate							
transportation companies							
Oil or gas retail							
companies							
Banks							
Savings							
institutions							
Loan or finance							
companies							
Manufacturing							
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							

l or distributors _ Trade associations		
Professional		
associations		
Associations of		
public employees		
or officials		
Counties, cities		
or towns		
SCHEDULE H - REAL E List real estate other than family holds an interest, incl	your principal residence in which uding a partnership interest, optior	RETURN TO ITEM 9 h you or a member of your immediate h, easement, or land contract, valued at
	st each parcel of real estate individu	
	Describe the type of real	
List the location	estate you own in each location (business,	If the real estate is
(state, and county	recreational, apartment,	owned or recorded in
or city where you	commercial, open land,	a name other than your
own real estate	etc.)	own, list that name
List all contracts, wheth governmental agency for the immediate family holds an in or land contract, valued at \$1 lease of real estate in which y \$1,000 or more. This required	her pending or completed within e sale or exchange of real estate terest, including a corporate, partne 0,000 or more. List all contracts w you or a member of your immediate nent to disclose an interest in a lea	RETURN TO ITEM 10 TE GOVERNMENTAL AGENCIES. In the past 12 months, with a state in which you or a member of your ership or trust interest, option, easement, with a state governmental agency for the e family holds such an interest valued at the does not apply to an interest derived ip interest exceeds three percent of the
List your real		
estate interest and		
the person or entity,	,	
including the type of	-	
entity, which is		
party to the contract	- .	State the annual
Describe any		income from the
management role and	List each	contract, and the
the percentage	governmental agency	amount, if any, of
ownership interest you or your immediate	which is a party to the contract and	income you or any immediate family
family member has in	indicate the county	member derives

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the real estate or entity.	or city where the real estate is located.	annually from the contract.

537 B. Any legislator who makes a knowing misstatement of a material fact on the Statement of
538 Economic Interests shall be subject to disciplinary action for such violations by the house in which the
539 legislator sits.

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

547 D. Ten percent of the membership of a house, on the basis of newly discovered facts, may in writing 548 request the house in which those members sit, in accordance with the rules of that house, to review the 549 Statement of Economic Interests of another member of that house in order to determine the adequacy of 550 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 551 whose Statement is in issue. Should it be determined that the Statement requires correction, 552 553 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. 554

555 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.