

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

H

1

HOUSE BILL 1817\*

Short Title: Ethics TC and Other Changes. (Public)

Sponsors: Representatives Glazier, Stam, E. Warren, Wiley (Primary Sponsors); Carney, Hughes, Ingle, Lucas, and McGee.

Referred to: Ethics, if favorable, Judiciary I.

May 19, 2010

1 A BILL TO BE ENTITLED  
2 AN ACT TO MAKE TECHNICAL AND OTHER CHANGES TO CHAPTERS 138A, 120C,  
3 AND 120 OF THE GENERAL STATUTES, AS RECOMMENDED BY THE  
4 LEGISLATIVE ETHICS COMMITTEE.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** G.S. 120C-800(b) reads as rewritten:

7 "(b) If the person making the reportable expenditure in subsection (a) of this section is  
8 outside North Carolina, and the designated individual accepting the reportable expenditure is  
9 also outside North Carolina at the time the designated individual accepts the reportable  
10 expenditure, then the designated individual accepting the reportable expenditure shall be  
11 responsible for filing the report or reporting the information in the designated individual's  
12 statement of economic interest in accordance with ~~G.S. 138A-24(a)(2)~~. G.S. 138A-24(a)(8)."

13 **SECTION 2.** G.S. 120-104(c) reads as rewritten:

14 "(c) A legislator who acts in reliance on a formal advisory opinion issued by the  
15 Committee under this section shall be entitled to the immunity granted under ~~G.S. 138A-13(b)~~.  
16 G.S. 138A-13(b1)."

17 **SECTION 3.(a)** G.S. 138A-22 is amended by adding a new subsection to read:

18 "(c2) A public servant appointed to a board determined and designated as nonadvisory  
19 under G.S. 138A-10(a)(3) shall file the initial statement of economic interest within 60 days of  
20 notification of the designation by the Commission and as provided in this section thereafter."

21 **SECTION 3.(b)** G.S. 138A-24(c2) is repealed.

22 **SECTION 4.** G.S. 138A-14(b) reads as rewritten:

23 "(b) The Commission shall ~~make—offer~~ basic ethics education and awareness  
24 presentations to all public servants and their immediate staffs, upon their election, appointment,  
25 or employment, and shall offer periodic refresher presentations as the Commission deems  
26 appropriate. Every public servant shall participate in an ethics presentation approved by the  
27 Commission within six months of the public servant's election, reelection, appointment, or  
28 employment, and shall attend refresher ethics education presentations at least every two years  
29 thereafter in a manner as the Commission deems appropriate."

30 **SECTION 5.** The catch line to G.S. 138A-37 of the General Statutes reads as  
31 rewritten:

32 "**§ 138A-37. Legislator participation in ~~official~~ legislative actions.**"

33 **SECTION 6.** G.S. 138A-38(a)(6) and (7) read as rewritten:

34 "**§ 138A-38. Permitted participation exception.**"



\* H 1 8 1 7 - V - 1 \*

1 (a) Notwithstanding G.S. 138A-36 and G.S. 138A-37, a covered person may participate  
2 in an official action or legislative action under any of the following circumstances except as  
3 specifically limited:

4 ....

5 (6) When a public or legislative body records in its minutes that it cannot obtain  
6 a quorum in order to take the official or legislative action because the  
7 covered person is disqualified from acting under ~~G.S. 130-36~~, G.S. 138A-36,  
8 G.S. 138A-37, or this section, the covered person may be counted for  
9 purposes of a quorum, but shall otherwise abstain from taking any further  
10 action.

11 (7) When a public servant notifies the Commission in writing that the public  
12 ~~servant judicial employee, servant,~~ servant, or someone whom the public servant  
13 appoints to act in the public servant's stead, or both, are the only individuals  
14 having legal authority to take an official action, and the public servant  
15 discloses in writing the circumstances and nature of the conflict of interest."

16 **SECTION 7.** This act is effective when it becomes law.