

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009**

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**HOUSE BILL 817*
Senate Judiciary I Committee Substitute Adopted 8/4/09**

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

Sponsors:

Referred to:

March 30, 2009

1 A BILL TO BE ENTITLED
2 AN ACT TO MAKE TECHNICAL AND OTHER CHANGES TO CHAPTERS 120, 120C,
3 AND 138A OF THE GENERAL STATUTES.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** G.S. 120-103.1 reads as rewritten:

6 "**§ 120-103.1. Investigations by the Committee.**

7 (a) Institution of Proceedings. – On its own motion, or upon receipt of a referral of a
8 complaint from the State Ethics Commission under Chapter 138A of the General Statutes, the
9 Committee shall conduct an investigation into any of the following:

- 10 (1) The application or alleged violation of Chapter 138A of the General Statutes
11 and of this Article.
12 (2) Repealed by Session Laws 2007-348, s. 2, effective August 9, 2007.
13 (3) The alleged violation of the criminal law by a legislator while acting in the
14 legislator's official capacity as a participant in the lawmaking process.

15 (a1) Complaints on Its Own Motion. – An investigation initiated by the Committee on its
16 own motion instituted under subsection (a) of this section shall be treated as a complaint for
17 purposes of this section and need not be sworn or verified. Any requirements under this section
18 that require the Committee to notify the complainant shall not apply to complaints taken up by
19 the Committee on its own motion. If the Committee is acting on a complaint referred to the
20 Committee by the Commission where the Commission was acting on its own motion, the
21 Committee shall be deemed to have satisfied the notice requirements by providing notice to the
22 Commission. Any notice provided to the Commission under this section is confidential and
23 shall not be disclosed by the Commission.

24 (b) Initial Consideration of a Complaint. – All of the following shall apply to the
25 Committee's initial consideration of a complaint:

- 26 (1) The Committee may, in its sole discretion, request additional information to
27 be provided by the complainant within a specified period of time of no less
28 than seven business days.
29 (2) The Committee may decline to accept or further investigate a complaint if it
30 determines that any of the following apply:
31 a. The complaint is frivolous or brought in bad faith.
32 b. The individuals and conduct complained of have already been the
33 subject of a prior complaint.
34 c. The conduct complained of is primarily a matter more appropriately
35 and adequately addressed and handled by other federal, State, or
36 local agencies or authorities, including law enforcement authorities.
37 If other agencies or authorities are conducting an investigation of the



1 same actions or conduct involved in a complaint filed under this
2 section, the Committee may stay its complaint investigation pending
3 final resolution of the other investigation.

4 (3) ~~The Committee shall send a notice of the initiation of an investigation under~~
5 ~~this section to the legislator who is the subject of the complaint within 10~~
6 ~~days of the date of the decision to initiate the investigation.~~

7 (4) Notwithstanding any other provisions of this section, complaints filed with
8 the Committee concerning the conduct of the Lieutenant Governor shall be
9 referred to the State Ethics Commission under Chapter 138A of the General
10 Statutes without investigation by the Committee.

11 (c) ~~Investigation of Complaints by the Committee~~Complaints. – The Committee shall
12 investigate all complaints properly before the Committee in a timely manner. Within 60 days of
13 ~~the receiving a complaint or a referral of the a complaint with to~~ the Committee, the Committee
14 shall do at least one of the following:

15 (1) Dismiss the complaint.

16 (2) Initiate a preliminary investigation of the complaint.

17 (3) ~~refer~~Refer the complaint for further investigation and a hearing in
18 accordance with subsection (i) of this section or initiate an investigation of a
19 complaint or dismiss the complaint.~~section.~~

20 (4) Make recommendations to the house in which the legislator who is the
21 subject of the complaint is a member without further investigation, if the
22 referral is from the State Ethics Commission.

23 (c1) Preliminary Investigation. – The Committee may initiate a preliminary investigation
24 if it determines that the complaint alleges facts sufficient to constitute a violation of matters
25 over which the Committee has jurisdiction as set forth in subsection (a) of this section. In
26 determining whether there is reason to believe that a violation has or may have occurred, a
27 member of the Committee may take general notice of available information even if not
28 formally provided to the Committee in the form of a complaint. The Committee may utilize the
29 services of a hired investigator when conducting investigations. The Committee shall provide
30 written notification of the initiation of an investigation under this section to the legislator who
31 is the subject of the complaint within 10 days of the date of the Committee's decision to initiate
32 an investigation.

33 (d) ~~On a referral from the State Ethics Commission, the Committee shall do at least one~~
34 ~~of the following:~~

35 (1) ~~Make recommendations to the house in which the legislator who is the~~
36 ~~subject of the complaint is a member without further investigation.~~

37 (2) ~~Conduct further investigations and hearings under this section.~~

38 (3) ~~Dismiss the complaint.~~

39 (e) Investigation by the Committee of Matters Other Than Complaints. – The
40 Committee may investigate matters other than complaints properly before the Committee under
41 subsection (a) of this section. For any investigation initiated under this subsection, the
42 Committee may take any action it deems necessary or appropriate to further compliance with
43 this Article, including the initiation of a complaint, the issuance of an advisory opinion under
44 G.S. 120-104, or referral to appropriate law enforcement or other authorities pursuant to
45 subdivision (j)(2) of this section.

46 (f) Legislator Cooperation with Investigation. – Legislators shall promptly and fully
47 cooperate with the Committee in any Committee-related investigation. Failure to cooperate
48 fully with the Committee in any investigation shall be grounds for sanctions under this section.

49 (g) Dismissal of Complaint After Preliminary ~~Inquiry~~Investigation. – If the Committee
50 determines at the end of its preliminary ~~inquiry~~investigation that the complaint does not allege
51 facts sufficient to constitute a violation of matters over which the Committee has jurisdiction as

1 set forth in subsection (a) of this section, the Committee shall dismiss the complaint and
2 provide written notice of the dismissal to the individual who filed the complaint and to the
3 legislator against whom the complaint was filed.

4 (h) Notice, Probable Cause Determination. – If at the end of its preliminary
5 inquiry, investigation, the Committee determines that probable cause exists to proceed with
6 further investigation into the conduct of a legislator, the Committee shall determine the charges
7 that will be the basis for further investigation of the complaint and provide written notice to the
8 individual who filed the complaint and the legislator ~~as to the fact of the~~ that the Committee will
9 conduct further investigation and the charges against the legislator. The legislator shall be given
10 an opportunity to file a written response to the charges with the Committee.

11 (h1) Consideration of Response and Notice of Hearing. – The Committee shall give full
12 and fair consideration to the complaint and to the legislator's response to the complaint. If the
13 Committee determines that the complaint cannot be resolved without further investigation and a
14 hearing, or if the legislator requests a public hearing, the Committee shall hold a hearing on the
15 charges against the legislator. The Committee shall send a notice of the hearing to the
16 complainant and to the legislator. The notice shall contain the charges against the legislator and
17 the time and place for the hearing. The Committee shall begin the hearing no sooner than 15
18 days and no later than 90 days after the date of the notice of hearing.

19 (i) Hearing. – All the following shall apply to

20 ~~(1) The Committee shall give full and fair consideration to all complaints and~~
21 ~~responses received. If the Committee determines that the complaint cannot~~
22 ~~be resolved without a hearing, or if the legislator requests a public hearing, a~~
23 ~~hearing shall be held.~~

24 ~~(2) The Committee shall send a notice of the hearing to the complainant and the~~
25 ~~legislator. The notice shall contain the time and place for a hearing on the~~
26 ~~matter, which shall begin no less than 30 days and no more than 90 days~~
27 ~~after the date of the notice.~~

28 ~~(3) At any hearing on a complaint held by the Committee:~~

29 ~~(4) a. Oral evidence shall be taken only on oath or affirmation.~~

30 ~~(5) b. The hearing shall be open to the public, except for matters that could~~
31 ~~otherwise be considered in closed session under G.S. 143-318.11, matters~~
32 ~~involving minors, or matters involving a personnel record. In any event, the~~
33 ~~deliberations by the Commission on a complaint may be held in closed~~
34 ~~session.~~

35 ~~(6) e. The legislator being investigated shall have the right to present evidence,~~
36 ~~call and examine witnesses, cross-examine witnesses, introduce exhibits, and~~
37 ~~be represented by counsel.~~

38 (j) Disposition of Investigations. – Except as permitted under subsections (b) and (g) of
39 this section, after the hearing, the Committee shall dispose of ~~a~~ the matter before the
40 Committee under this section, in any of the following ways:

41 (1) If the Committee finds that the alleged violation is not established by clear
42 and convincing evidence, the Committee shall dismiss the complaint.

43 (2) If the Committee finds that the alleged violation is established by clear and
44 convincing evidence, the Committee shall do one or more of the following:

45 a. Issue a public or private admonishment to the legislator.

46 b. Refer the matter to the Attorney General for investigation and
47 referral to the district attorney for possible prosecution or the
48 appropriate house for appropriate action, or both, if the Committee
49 finds substantial evidence of a violation of a criminal statute.

50 c. Refer the matter to the appropriate house for appropriate action,
51 which may include censure and ~~expulsion, if the Committee finds~~

1 substantial evidence of a violation of this Article or other unethical
2 activities.expulsion.

- 3 (3) If the Committee issues an admonishment as provided in subdivision (2)a. of
4 this subsection, the legislator affected may, upon written request to the
5 Committee, have the matter referred as provided under subdivision (2)c. of
6 this subsection.

7 (k) Effect of Dismissal or Private Admonishment. – ~~In the case of a dismissal or private~~
8 ~~admonishment,~~If the Committee dismisses a complaint or issues a private admonishment prior
9 to commencing a hearing under subsection (i) of this section, the Committee shall retain its
10 records or findings in confidence, unless the legislator under inquiry requests in writing that the
11 records and findings be made public. If the Committee later finds that a legislator's subsequent
12 unethical activities were similar to and the subject of an earlier private admonishment, then the
13 Committee may make public the earlier admonishment and the records and findings related to
14 it.

15 (l) Confidentiality. – Except as provided under subsection (k) of this section, the
16 complaint, response, records, and findings of the Committee connected to an inquiry under this
17 section shall be confidential and not matters of public record, except as otherwise provided in
18 this section or when the legislator under inquiry requests in writing that the complaint,
19 response, and findings be made public. Once a hearing under subsection (i) of this section
20 commences the complaint, response, Committee's report to the house, and all other documents
21 offered at the hearing in conjunction with the complaint, that are not otherwise privileged or
22 confidential under law, shall be public records. If no hearing is held, at such time as the
23 Committee recommends sanctions to the house of which the legislator is a member, the
24 complaint, response, and Committee's report to the house shall be made public.

25 (m) Concurrent Jurisdiction. – Any action or lack of action by the Committee under this
26 section shall not limit the right of each house of the General Assembly to discipline or to expel
27 its members.

28 (n) Reports. – The Committee shall publish annual statistics on complaints filed with or
29 considered by the Committee, including the number of complaints filed, the number of
30 complaints dismissed, the number of complaints resulting in admonishment, the number of
31 complaints referred to the appropriate house for appropriate action, the number of complaints
32 referred for criminal prosecution, and the number and age of complaints pending action by the
33 Committee."

34 **SECTION 2.** G.S. 120C-103 is amended by adding a new subsection to read:

35 "(a1) A designated individual appointed to a board determined and designated as
36 nonadvisory under G.S. 138A-10(a)(3) by the Commission shall attend lobbying education and
37 awareness programs within six months of notification of the designation by the Commission
38 and at least every two years thereafter in a manner as the Commission deems appropriate."

39 **SECTION 3.** G.S. 120C-200(d) reads as rewritten:

40 "(d) Each Unless a resignation is filed under G.S. 120C-210, each registration statement
41 of a lobbyist required under this Chapter shall be effective from the date of filing until January
42 1 of the following year. The lobbyist shall file a new registration statement after that date, and
43 the applicable fee shall be due and payable."

44 **SECTION 4.** G.S. 120C-206 reads as rewritten:

45 "**§ 120C-206. Lobbyist principal's authorization.**

46 (a) A written authorization signed by the lobbyist principal authorizing the lobbyist to
47 represent the principal shall be filed with the Secretary of State within ~~40-20~~ business days after
48 the lobbyist's registration. If the written authorization is filed more than 20 business days after
49 the lobbyist's registration and before January 1 of the following year, the lobbyist registration is
50 effective from the date of filing of the lobbyist registration and all reports due under Article 4
51 of this Chapter shall be filed.

1 (b) The form of the written authorization shall be prescribed by the Secretary of State
2 and shall include the lobbyist principal's full name, complete address, and telephone number,
3 name and title of any official authorized to sign for the lobbyist principal, and the name of each
4 lobbyist registered to represent that principal.

5 (c) An amended authorization shall be filed with the Secretary of State no later than 10
6 business days after any change in the information on the principal's authorization. Each
7 supplementary authorization shall include a complete statement of the information that has
8 changed."

9 **SECTION 5.** Article 2 of Chapter 120C is amended by adding a new section to
10 read:

11 "**§ 120C-210. Resignation and termination.**

12 (a) A registration of a lobbyist under G.S. 120C-200 and the written authorization of
13 that lobbyist principal under G.S. 120C-206 are terminated upon the filing of either a lobbyist
14 resignation or a principal termination with the Secretary of State, whichever occurs first.

15 (b) Lobbyist resignations and lobbyist principal terminations are effective upon filing."

16 **SECTION 6.** The Joint Legislative Ethics Committee and the State Ethics
17 Commission shall jointly study the process for issuing, reviewing, and revising formal advisory
18 opinions, and the process for publishing formal and informal advisory opinions, applicable to
19 all persons covered under Chapters 120, 120C, and 138A of the General Statutes. The joint
20 study shall review the redacted opinions of both the Legislative Ethics Committee and the State
21 Ethics Commission, with a specific focus on all opinions related to indirect gifts. The Joint
22 Legislative Ethics Committee and the State Ethics Commission may each make
23 recommendations to the 2010 Regular Session of the 2009 General Assembly.

24 **SECTION 7.(a)** G.S. 120C-401(a) reads as rewritten:

25 "(a) Reports shall be filed whether or not reportable expenditures are made and shall be
26 due ~~40-15~~ business days after the end of the reporting period."

27 **SECTION 7.(b)** G.S. 120C-800(f) reads as rewritten:

28 "(f) Within ~~40-15~~ business days after the end of the quarter in which the reportable
29 expenditure was made, reports required by this section shall be filed with the Secretary of State
30 in a manner prescribed by the Secretary of State, which may include electronic reports. If the
31 designated individual is required to file a statement of economic interest under G.S. 138A-24,
32 then that designated individual may opt to report any information required by this section in the
33 statement of economic interest."

34 **SECTION 8.** G.S. 138A-10(a) reads as rewritten:

35 "**§ 138A-10. Powers and duties.**

36 (a) In addition to other powers and duties specified in this Chapter, the Commission
37 shall:

38 ...

39 (4) Receive and review all statements of economic interests filed with the
40 Commission by prospective and actual covered persons and evaluate
41 whether (i) the statements conform to the law and the rules of the
42 Commission, and (ii) the financial interests and other information reported
43 reveals actual or potential conflicts of interest. Pursuant to G.S. 138A-24(e),
44 this subdivision does not apply to statements of economic interest of
45 legislators and judicial officers.

46 ...

47 (12) Publish annually statistics on complaints filed with or considered by the
48 Commission, including the number of complaints filed, the number of
49 complaints referred under G.S. 138A-12(b), the number of complaints
50 dismissed under G.S. 138A-12(c)(4), the number of complaints dismissed
51 under G.S. 138A-12(f), the number of complaints referred for criminal

1 prosecution under G.S. 138A-12, the number of complaints dismissed under
2 G.S. 138A-12(h), the number of complaints referred for appropriate action
3 under G.S. 138A-12(h) or G.S. 138A-12(k)(3), and the number and age of
4 complaints pending action by the Commission.

5"

6 **SECTION 9.** G.S. 138A-12(a1) reads as rewritten:

7 "(a1) Notice of Allegation. – Upon receipt by the Commission of ~~an a~~ written allegation
8 of unethical conduct by a covered person or legislative employee, or the initiation by the
9 Commission of an inquiry into unethical conduct under subsection (b) of this section, the
10 Commission shall immediately notify the covered person or legislative employee subject to the
11 allegation or inquiry in writing."

12 **SECTION 10.** G.S. 138A-12(i)(3) reads as rewritten:

13 "(i) Hearing. –

14 ...

15 (3) The Commission shall make available to the public servant or that public
16 servant's private legal counsel prior to a hearing all relevant information
17 all documents or other evidence which are intended to be presented at the
18 hearing to collected by the Commission or which a reasonable person would
19 believe might exculpate the accused public servant at least 30 days prior to
20 the date of the hearing held in connection with its the investigation of a
21 complaint. Any documents or other evidence discovered within less than 30
22 days of the hearing shall be furnished as soon as possible after discovery but
23 prior to the hearing.

24"

25 **SECTION 11.** G.S. 138A-12(l) reads as rewritten:

26 "(l) Notice of Dismissal. – Upon the dismissal of a complaint under this section, the
27 Commission shall provide written notice of the dismissal to the individual who filed the
28 complaint and the covered person or legislative employee against whom the complaint was
29 filed. The Commission shall forward copies of complaints and notices of dismissal of
30 complaints against legislators to the Committee, against legislative employees to the employing
31 entity for legislative employees, and against judicial officers to the Judicial Standards
32 Commission for complaints against justices and judges, and the senior resident superior court
33 judge of the district or county for complaints against district attorneys, or the chief district court
34 judge of the district or county for complaints against clerks of court. The Commission shall also
35 forward a copy of the notice of dismissal to the employing entity of the covered person against
36 whom a complaint was filed if the employing entity received a copy of the complaint under
37 subdivision (5) of subsection (c) of this section. Except as provided in subsection (n) of this
38 section, the complaint and notice of dismissal are confidential and not public records."

39 **SECTION 12.** G.S. 138A-14, as amended by Section 4 of S.L. 2009-10, reads as
40 rewritten:

41 "**§ 138A-14. Ethics education program.**

42 (a) The Commission shall develop and implement an ethics education and awareness
43 program designed to instill in all covered persons and their immediate staffs, and legislative
44 employees, a keen and continuing awareness of their ethical obligations and a sensitivity to
45 situations that might result in real or potential conflicts of interest.

46 (b) The Commission shall make basic ethics education and awareness presentations to
47 all public servants and their immediate staffs, upon their election, appointment, or employment,
48 and shall offer periodic refresher presentations as the Commission deems appropriate. Every
49 public servant ~~and the immediate staff of every public servant~~ shall participate in an ethics
50 presentation approved by the Commission within six months of the public servant's election,
51 reelection, appointment, or employment, and shall attend refresher ethics education

1 presentations at least every two years thereafter in a manner as the Commission deems
2 appropriate.

3 (b1) A public servant appointed to a board determined and designated as nonadvisory
4 under G.S. 138A-10(a)(3) shall attend an ethics presentation approved by the Commission
5 within six months of notification of the designation by the Commission and at least every two
6 years thereafter in a manner as the Commission deems appropriate.

7 (c) The Commission, jointly with the Committee, shall make basic ethics education and
8 awareness presentations to all legislators and legislative employees upon their election,
9 reelection, appointment, or employment and shall offer periodic refresher presentations as the
10 Commission and the Committee deem appropriate. Every legislator shall participate in an
11 ethics presentation approved by the Commission and Committee within two months of either
12 the convening of the General Assembly to which the legislator is elected or within two months
13 of the legislator's appointment, whichever is later. Every legislative employee shall participate
14 in an ethics presentation approved by the Commission and Committee within three months of
15 employment, and shall attend refresher ethics education presentations at least every two years
16 thereafter, in a manner as the Commission and Committee deem appropriate.

17 (d) Upon request, the Commission shall assist each agency in developing in-house
18 education programs and procedures necessary or desirable to meet the agency's particular needs
19 for ethics education, conflict identification, and conflict avoidance.

20 (e) Each agency head shall designate an ethics liaison who shall maintain active
21 communication with the Commission on all agency ethical issues. The ethics liaison shall
22 attend ethics education and awareness programs as provided under this section and lobbying
23 education and awareness programs as provided under G.S. 120C-103 and continuously assess
24 and advise the Commission of any issues or conduct which might reasonably be expected to
25 result in a conflict of interest and seek advice and rulings from the Commission as to their
26 appropriate resolution.

27 (f) The Commission shall publish a newsletter containing summaries of the
28 Commission's opinions, policies, procedures, and interpretive bulletins as issued from time to
29 time. The newsletter shall be distributed to all covered persons and legislative employees.
30 Publication under this subsection may be done electronically.

31 (g) The Commission shall assemble and maintain a collection of relevant State laws,
32 rules, and regulations that set forth ethical standards applicable to covered persons. This
33 collection shall be made available electronically as resource material to public servants, and
34 ethics liaisons, upon request.

35 ~~(h) As used in this section, "immediate staff" means those individuals who report~~
36 ~~directly to the public servant.~~

37 (i) This section shall not apply to judicial officers."

38 **SECTION 13.** G.S. 138A-22(a) reads as rewritten:

39 "(a) Every covered person subject to this Chapter who is elected, appointed, or
40 employed, including one appointed to fill a vacancy in elective office, except for public
41 servants (i) included under G.S. 138A-3(30)b., e., f., or g. whose annual compensation from the
42 State is less than sixty thousand dollars (\$60,000), or (ii) who are ex officio student members
43 under Chapters 115D and 116 of the General Statutes, shall file a statement of economic
44 interest with the Commission prior to the covered person's initial appointment, election, or
45 employment and no later than April 15 of every year thereafter, except as otherwise filed under
46 subsections (c1) and (d) of this section. A prospective covered person required to file a
47 statement under this Chapter shall not be appointed, employed, or receive a certificate of
48 election, prior to submission by the Commission of the Commission's evaluation of the
49 statement in accordance with this Article. The requirement for an annual filing under this
50 subsection also shall apply to covered persons whose terms have expired but who continue to
51 serve until the covered person's replacement is appointed. Once a statement of economic

1 interest is properly completed and filed under this Article, the statement of economic interest
2 does not need to be supplemented or refiled prior to the next due date set forth in this
3 subsection."

4 **SECTION 14.** G.S. 138A-24 is amended by adding a new subsection to read:

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

8 **SECTION 15.** G.S. 138A-25(a) reads as rewritten:

9 "(a) Within 30 days after the date due under G.S. 138A-22, the Commission shall notify
10 filing persons who have failed to file or filing persons whose statement has been deemed
11 incomplete. For a filing person currently serving as a covered person, the Commission shall
12 notify the filing person and the ethics liaison that if the statement of economic interest is not
13 filed or completed within 30 days of receipt of the notice of failure to file or complete, the
14 filing person shall be subject to a fine as provided for in this section."

15 **SECTION 16.** G.S. 138A-31(a) reads as rewritten:

16 "(a) Except as permitted under G.S. 138A-38, a covered person or legislative employee
17 shall not knowingly use the covered person's or legislative employee's public position in an
18 official action or legislative action that will result in financial ~~benefit, direct or indirect,~~ benefit
19 to the covered person or legislative employee, a member of the covered person's or legislative
20 employee's extended family, or business with which the covered person or legislative employee
21 is associated. This subsection shall not apply to financial or other benefits derived by a covered
22 person or legislative employee that the covered person or legislative employee would enjoy to
23 an extent no greater than that which other citizens of the State would or could enjoy, or that are
24 so remote, tenuous, insignificant, or speculative that a reasonable person would conclude under
25 the circumstances that the covered person's or legislative employee's ability to protect the
26 public interest and perform the covered person's or legislative employee's official duties would
27 not be compromised."

28 **SECTION 17.** G.S. 138A-32(e) reads as rewritten:

29 "(e) Subsections (c), (d), and (d1) of this section shall not apply to any of the following:

- 30 (1) Food and beverages for immediate consumption in connection with any of
31 the following:
- 32 a. An open meeting of a public body, provided that the open meeting is
33 properly noticed under Article 33C of Chapter 143 of the General
34 Statutes.
 - 35 b. A gathering of ~~an organization~~ a person or governmental unit with at
36 least 10 or more individuals in attendance open to the general public,
37 provided that a sign or other communication containing a message
38 that is reasonably designed to convey to the general public that the
39 gathering is open to the general public is displayed at the gathering.
 - 40 c. A gathering of a person or governmental unit to which the entire
41 board of which a public servant is a member, at least 10 public
42 servants, all the members of the House of Representatives, all the
43 members of the Senate, all the members of a county or municipal
44 legislative delegation, all the members of a recognized legislative
45 caucus with regular meetings other than meetings with one or more
46 lobbyists, all the members of a committee, a standing subcommittee,
47 a joint committee or joint commission of the House of
48 Representatives, the Senate, or the General Assembly, or all
49 legislative employees are invited, and one of the following applies:
 - 50 1. At least 10 individuals associated with the person or
51 governmental unit actually attend, other than the covered

person or legislative employee, or the immediate family of the covered person or legislative employee.

2. All shareholders, employees, board members, officers, members, or subscribers of the person or governmental unit located in North Carolina are notified and invited to attend.

For purposes of this sub-subdivision only, the term "invited" shall mean written notice from at least one host or sponsor of the gathering containing the date, time, and location of the gathering given at least 24 hours in advance of the gathering to the specific qualifying group listed in this sub-subdivision. If it is known at the time of the written notice that at least one sponsor is a lobbyist or lobbyist principal, the written notice shall also state whether or not the gathering is permitted under this section."

SECTION 18. G.S. 143-47.7(c) reads as rewritten:

"(c) The following form may be used to comply with the requirements of this section:

"NOTICE OF APPOINTMENT

Notice is given that _____ is hereby appointed to the following public office:

Name

Public Office: _____

Citation to Law or Other Authority Authorizing the Appointment: _____

Specific Statutory Qualification for the Public Office, if Applicable: _____

Address of the Appointee: _____

County of Residence of the Appointee: _____

Date Term of Appointment Begins: _____

Date Term of Appointment Ends: _____

Name of Person the Appointee Replaces, if applicable: _____

Date of Appointment

Signature

Office of Appointing Authority

Distribution:

Governor

Secretary of State

1 Legislative Library
2 State Library
3 State Controller
4 State Ethics Commission".

5 **SECTION 19.** G.S. 115D-12(a) reads as rewritten:

6 "(a) Each community college established or operated pursuant to this Chapter shall be
7 governed by a board of trustees consisting of 13 members, or of additional members if selected
8 according to the special procedure prescribed by the third paragraph of this subsection, who
9 shall be selected by the following agencies. No member of the General Assembly may be
10 appointed to a local board of trustees for a community college. Any member currently serving
11 on a local board of trustees for a community college may complete the term in which the
12 member is serving.

13 Group One – four trustees, elected by the board of education of the public school
14 administrative unit located in the administrative area of the institution. If there are two or more
15 public school administrative units, whether city or county units, or both, located within the
16 administrative area, the trustees shall be elected jointly by all of the boards of education of
17 those units, each board having one vote in the election of each trustee, except as provided in
18 G.S. 115D-59. No board of education shall elect a member of the board of education or any
19 person employed by the board of education to serve as a trustee, however, any such person
20 currently serving on a board of trustees shall be permitted to fulfill the unexpired portion of the
21 trustee's current term.

22 Group Two – four trustees, elected by the board of commissioners of the county in which
23 the institution is located. Provided, however, if the administrative area of the institution is
24 composed of two or more counties, the trustees shall be elected jointly by the boards of
25 commissioners of all those counties, each board having one vote in the election of each trustee.
26 Provided, also, the county commissioners of the county in which the community college has
27 established a satellite campus may elect an additional two members if the board of trustees of
28 the community college agrees. No more than one trustee from Group Two may be a member of
29 a board of county commissioners. Should the boards of education or the boards of
30 commissioners involved be unable to agree on one or more trustees the senior resident superior
31 court judge in the superior court district or set of districts as defined in G.S. 7A-41.1 where the
32 institution is located shall fill the position or positions by appointment.

33 Group Three – four trustees, appointed by the Governor.

34 Group Four – the president of the student government or the chairman of the executive
35 board of the student body of each community college established pursuant to G.S. 115D shall
36 be an ex officio nonvoting member of the board of trustees of each said institution."

37 **SECTION 20.** Except as otherwise provided, this act is effective when it becomes
38 law.