

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

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HOUSE BILL 1055

Short Title: State Ethics Comm. Revisions. (Public)

Sponsors: Committee on Ethics.

For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Ethics

May 10, 2016

1 A BILL TO BE ENTITLED
2 AN ACT TO MAKE VARIOUS REVISIONS TO THE STATE GOVERNMENT ETHICS ACT
3 AND THE LOBBYING LAWS.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** G.S. 138A-3(15) is amended by adding a new sub-subdivision to read:

6 "g. Campaign contributions properly received and reported under federal
7 law."

8 **SECTION 2.** G.S. 138A-12(k) reads as rewritten:

9 "(k) ~~Disposition of Inquiries.~~ Post-Hearing Dispositions. — After the hearing, the
10 Commission shall dispose of the matter in one or more of the following ways:

- 11 (1) If the Commission finds substantial evidence of an alleged violation of a
12 criminal statute, the Commission shall refer the matter to the Attorney General
13 for investigation and referral to the district attorney for possible prosecution.
- 14 (2) If the Commission finds that the alleged violation is not established by clear
15 and convincing evidence, the Commission shall dismiss the complaint.
- 16 (3) If the Commission finds that the alleged violation of this Chapter is established
17 by clear and convincing evidence, the Commission shall do one or more of the
18 following:
- 19 a. Issue a private admonishment to the public servant and notify the
20 employing entity, if applicable. Such notification shall be treated as part
21 of the personnel record of the public servant.
- 22 b. Refer the matter for appropriate action to the Governor and the
23 employing entity that appointed or employed the public servant or of
24 which the public servant is a member.
- 25 c. Refer the matter for appropriate action to the Chief Justice for judicial
26 employees.
- 27 d. Refer the matter to the Principal Clerks of the House of Representatives
28 and Senate of the General Assembly for constitutional officers of the
29 State.
- 30 e. Refer the matter for appropriate action to the principal clerk of the house
31 of the General Assembly that elected the public servant for members of
32 the Board of Governors and the State Board of Community Colleges."

33 **SECTION 3.** G.S. 120C-200 reads as rewritten:

34 "§ 120C-200. Lobbyist registration procedure.



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1 (a) A lobbyist shall file a separate registration statement for each principal the lobbyist
2 represents with the Secretary of State before engaging in any lobbying. It shall be unlawful for an
3 individual to lobby without registering within one business day of engaging in any lobbying as
4 defined in G.S. 120C-100(9) unless exempted by this Chapter.

5 (b) The form of the registration statement shall be prescribed by the Secretary of State, be
6 filed electronically, and shall include the registrant's full name, firm, complete address, and
7 telephone number; the registrant's place of business; the full name, complete address, and
8 telephone number of each principal the lobbyist represents; and a general description of the
9 matters on which the registrant expects to act as a lobbyist.

10 (c) Each lobbyist shall electronically file an amended registration statement form with the
11 Secretary of State no later than 10 business days after any change in the information supplied in
12 the lobbyist's last registration statement under subsection (b) of this section. Each supplementary
13 registration statement shall include a complete statement of the information that has changed.

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

18 (e) Each lobbyist shall identify himself or herself as a lobbyist prior to engaging in
19 lobbying communications or activities with a designated individual. The lobbyist shall also
20 disclose the identity of the lobbyist principal connected to that lobbying communication or
21 activity.

22 (f) In addition to the information required for registration statement under subsection (b)
23 of this section, former employees of a State agency who register as a lobbyist within six months
24 after voluntary separation or separation for cause from employment with a State agency shall also
25 indicate ~~which State agency~~ with which State agency the former employee was employed."

26 **SECTION 4.** G.S. 120C-601 reads as rewritten:

27 "**§ 120C-601. Powers and duties of the Commission.**

28 (a) The Commission may investigate complaints of violations of this Chapter and shall
29 refer complaints related solely to Articles 2, 4, or 8 of this Chapter to the Secretary of State. The
30 Commission or the Secretary of State may utilize the services of a hired investigator when
31 conducting investigations.

32 (b) The Commission may petition the Superior Court of Wake County for the approval to
33 issue subpoenas and subpoenas duces tecum as necessary to conduct investigations of violations of
34 this Chapter. The court shall authorize subpoenas under this subsection when the court determines
35 they are necessary for the enforcement of this Chapter. Subpoenas issued under this subsection
36 shall be enforceable by the court through contempt powers. Venue shall be with the Superior
37 Court of Wake County for any nonresident person, or that person's agent, who makes a reportable
38 expenditure under this Chapter, and personal jurisdiction may be asserted under G.S. 1-75.4.

39 (c) Complaints of violations of this Chapter and all other records accumulated in
40 conjunction with the investigation of these complaints shall be considered confidential records and
41 may be released only by order of a court of competent jurisdiction. Any information obtained by
42 the Commission from any law enforcement agency, administrative agency, or regulatory
43 organization on a confidential or otherwise restricted basis in the course of an investigation shall
44 be confidential and exempt from G.S. 132-6 to the same extent that it is confidential in the
45 possession of the providing agency or organization.

46 (d) The Commission shall publish annual statistics on complaints, including the number of
47 complaints, the number of apparent violations of this Chapter referred to a district attorney, the
48 number of dismissals, and the number and age of complaints pending."

49 **SECTION 5.** This act is effective when it becomes law.