

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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SENATE DRS85431-RNz-10A* (05/09)

Short Title: Clarify Ethics and Lobbying Laws. (Public)

Sponsors: Senator Clodfelter.

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A BILL TO BE ENTITLED
AN ACT TO MAKE CLARIFYING CHANGES TO THE STATE GOVERNMENT
ETHICS ACT AND THE LOBBYING LAWS AS RECOMMENDED BY THE
LEGISLATIVE ETHICS COMMITTEE.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 120C-401(b) reads as rewritten:

"(b) Each report shall set forth the fair market value or face value if shown, date, a description of the reportable expenditure, name and address of the payee, or beneficiary, and name of any designated individual, or that ~~person's~~individual's immediate family member connected with the reportable expenditure. When more than 15 designated individuals benefit from a reportable expenditure, no names of individuals need be reported provided that the report identifies the approximate number of designated individuals benefiting and the basis for their selection, including the name of the legislative body, committee, caucus, or other group whose membership list is a matter of public record in accordance with G.S. 132-1 or including a description of the group that clearly distinguishes its purpose or composition from the general membership of the General Assembly. The approximate number of immediate family members of designated individuals who benefited from the reportable expenditure shall be listed separately."

SECTION 2. G.S. 138A-24(a) reads as rewritten:

"§ 138A-24. Contents of statement.

(a) Any statement of economic interest filed under this Article shall be on a form prescribed by the Commission and sworn to by the filing person. Answers must be

1 provided to all questions. The form shall include the following information about the
2 filing person and the filing person's immediate family:

3 ...

4 (6) An indication of whether the filing person, the filing person's
5 employer, a member of the filing person's immediate family, or the
6 immediate family member's employer is licensed or regulated by, or
7 has a business relationship with, the board or employing entity with
8 which the filing person is or will be associated. This subdivision does
9 not apply to a ~~legislator or a judicial officer~~ legislator, a judicial
10 officer, or that person's immediate family.

11 ...

12 (10) Any other ~~economic or financial~~ information that the filing person
13 believes may assist the Commission in advising the filing person with
14 regards to compliance with this Chapter. is necessary either to carry
15 out the purposes of this Chapter or to fully disclose any conflict of
16 interest or potential conflict of interest. If the filing person believes a
17 potential for conflict exists, the filing person has a duty to inquire of
18 the Commission as to that potential conflict. If a filing person is
19 uncertain of whether particular information is necessary, then the filing
20 person shall consult the Commission for guidance.

21"

22 **SECTION 3.** G.S. 138A-24(e) reads as rewritten:

23 "(e) The Commission shall prepare a written evaluation of each statement of
24 economic interest relative to conflicts of interest and potential conflicts of interest. This
25 subsection does not apply to statements of economic interest of legislators and judicial
26 officers. The Commission shall submit the evaluation to all of the following:

- 27 (1) The filing person who submitted the statement.
28 (2) The head of the agency in which the filing person serves.
29 (3) The Governor for gubernatorial appointees and employees in agencies
30 under the Governor's authority.
31 (4) ~~The Chief Justice for judicial officers and judicial employees.~~
32 (5) The appointing or hiring authority for those public servants not under
33 the Governor's authority.
34 (6) The State Board of Elections for those filing persons who are elected.
35 (7) ~~The Committee, together with a copy of the statement of economic~~
36 ~~interest, for legislators."~~

37 **SECTION 4.** Section 44 of S.L. 2007-348 reads as rewritten:

38 "**SECTION 44.** Sections 17, 23, 39, 40 and 41 of this act are effective January 1,
39 2007. Section 9 of this act is effective July 1, 2007. Sections 8, 11, 15, 20, 22, 25, 34
40 and 42 of this act become effective October 1, 2007. Section 18 of this act becomes
41 effective December 1, 2007. Section 34 of this act becomes effective January 1, 2008.
42 The remainder of this act is effective when this act becomes law."

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