

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

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HOUSE BILL 104\*  
PROPOSED COMMITTEE SUBSTITUTE H104-PCS80078-RN-1

Short Title: LEC Term Changes/Ethics Training.

(Public)

Sponsors:

Referred to:

February 11, 2009

1 A BILL TO BE ENTITLED  
2 AN ACT TO PROVIDE FOR FOUR-YEAR STAGGERED TERMS OF OFFICE FOR  
3 MEMBERS OF THE LEGISLATIVE ETHICS COMMITTEE AND TO AMEND THE  
4 TIMING OF ETHICS TRAINING FOR LEGISLATORS AS RECOMMENDED BY THE  
5 LEGISLATIVE ETHICS COMMITTEE.

6 The General Assembly of North Carolina enacts:

7 SECTION 1. G.S. 120-99 reads as rewritten:

8 "§ 120-99. **Creation; composition.**

9 (a) The Legislative Ethics Committee is created and shall consist of 12 members, six  
10 Senators appointed by the President Pro Tempore of the Senate, ~~among them three from a list~~  
11 ~~of six submitted by the Majority Leader and three from a list of six submitted by the Minority~~  
12 ~~Leader,~~ and six members of the House of Representatives appointed by the Speaker of the  
13 ~~House, among them three from a list of six submitted by the Majority Leader and three from~~  
14 ~~a list of six submitted by the Minority Leader.~~ House. The President Pro Tempore of the Senate  
15 shall appoint three members from a list of nominees submitted by the majority leader of the  
16 Senate and three members from a list of nominees submitted by the minority leader of the  
17 Senate. The Speaker of the House shall appoint three members from a list of nominees  
18 submitted by the majority leader of the House and three members from a list of nominees  
19 submitted by the minority leader of the House. The nominating majority or minority leader  
20 shall submit to the person making the appointment a list of twice the number of vacancies on  
21 the Committee that are to be filled from that leader's nominees.

22 (b) The President Pro Tempore of the Senate and the Speaker of the House as the  
23 appointing officers shall each designate a cochair of the Legislative Ethics Committee from the  
24 respective officer's ~~appointees.~~ appointees to serve as cochair for the current General Assembly,  
25 and until the cochair's successor is designated. The cochair appointed by the President Pro  
26 Tempore of the Senate shall preside over the Legislative Ethics Committee during the  
27 odd-numbered year, and the cochair appointed by the Speaker of the House shall preside in the  
28 even-numbered year. ~~However, a~~ A cochair may preside at anytime during the absence of the  
29 presiding cochair or upon the presiding cochair's designation. In the event a cochair is unable to  
30 act as cochair on a specific matter before the Legislative Ethics Committee, and so indicates in  
31 writing to the appointing officer and the Legislative Ethics Committee, the respective officer  
32 shall designate from that officer's appointees a member to serve as cochair for that specific  
33 matter.

34 (c) Repealed by Session Laws 2006-201, s. 8, effective January 1, 2007.



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1       (d) The appointments of the President Pro Tempore of the Senate and the Speaker of the  
2 House shall ensure that the composition of the Legislative Ethics Committee is bipartisan in  
3 equal numbers."

4               **SECTION 2.** G.S. 120-100 reads as rewritten:

5 **"§ 120-100. Term of office; vacancies.**

6       (a) Appointments to the Legislative Ethics Committee shall be made immediately after  
7 the convening of the regular session of the General Assembly in odd-numbered years, ~~and~~  
8 ~~appointees shall serve until the expiration of their then current terms as members of the General~~  
9 ~~Assembly years.~~ The term of office for members of the Legislative Ethics Committee shall be  
10 four years from the date of the convening of the General Assembly in which the member is  
11 appointed to the Committee. Members shall not serve two consecutive full terms.

12       (b) A vacancy occurs on the Legislative Ethics Committee when a member resigns or is  
13 no longer a member of the General Assembly. A vacancy occurring for any reason during a  
14 term shall be filled for the unexpired term by the authority making the appointment which  
15 caused the vacancy, and the person appointed to fill the vacancy shall, if possible, be a member  
16 of the same political party as the member who caused the ~~vacancy~~ vacancy, from a list of two  
17 nominees submitted by that party's leader.

18       (c) In the event a member of the Legislative Ethics Committee is unable to act on a  
19 specific matter before the Legislative Ethics Committee, and so indicates in writing to the  
20 appointing officer and the Legislative Ethics Committee, the appointing officer may appoint  
21 another member of the respective chamber from a list of two members submitted by the  
22 majority leader or minority leader who nominated the member who is unable to act on the  
23 matter to serve as a member of the Legislative Ethics Committee for the specific matter only. If  
24 on any specific matter, the number of members of the Legislative Ethics Committee who are  
25 unable to act on a specific matter exceeds four members, the appropriate appointing officer  
26 shall appoint other members of the General Assembly to serve as members of the Legislative  
27 Ethics Committee for that specific matter only."

28               **SECTION 3.** Notwithstanding G.S. 120-100(a) as amended in Section 2 of this act,  
29 legislators appointed as members of the Legislative Ethics Committee for the 2009 General  
30 Assembly shall serve initial terms as follows:

31       (1) Two senators appointed by the President Pro Tempore of the Senate upon  
32 the recommendation of the minority leader of the Senate and one senator  
33 appointed by the President Pro Tempore of the Senate upon the  
34 recommendation of the majority leader of the Senate shall be designated by  
35 the President Pro Tempore as having a term of two years. Two senators  
36 appointed by the President Pro Tempore of the Senate upon the  
37 recommendation of the majority leader of the Senate and one senator  
38 appointed by the President Pro Tempore of the Senate upon the  
39 recommendation of the minority leader of the Senate shall be designated by  
40 the President Pro Tempore as having a term of four years.

41       (2) Two representatives appointed by the Speaker of the House upon the  
42 recommendation of the minority leader of the House and one representative  
43 appointed by the Speaker of the House upon the recommendation of the  
44 majority leader of the House shall be designated by the Speaker as having a  
45 term of two years. Two representatives appointed by the Speaker of the  
46 House upon the recommendation of the majority leader of the House and one  
47 representative appointed by the Speaker of the House upon the  
48 recommendation of the minority leader of the House shall be designated by  
49 the Speaker as having a term of four years.

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

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

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