

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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HOUSE BILL 817*
PROPOSED SENATE COMMITTEE SUBSTITUTE H817-PCS80500-RC-50

Short Title: Ethics TC and Other Changes.

(Public)

Sponsors:

Referred to:

March 30, 2009

A BILL TO BE ENTITLED

AN ACT TO MAKE TECHNICAL AND OTHER CHANGES TO CHAPTERS 120, 120C,
AND 138A OF THE GENERAL STATUTES.

The General Assembly of North Carolina enacts:

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

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

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

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- (2) Repealed by Session Laws 2007-348, s. 2, effective August 9, 2007.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

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

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

- (1) The Committee may, in its sole discretion, request additional information to be provided by the complainant within a specified period of time of no less than seven business days.
- (2) The Committee may decline to accept or further investigate a complaint if it determines that any of the following apply:
 - a. The complaint is frivolous or brought in bad faith.
 - b. The individuals and conduct complained of have already been the subject of a prior complaint.



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1 c. The conduct complained of is primarily a matter more appropriately
2 and adequately addressed and handled by other federal, State, or
3 local agencies or authorities, including law enforcement authorities.
4 If other agencies or authorities are conducting an investigation of the
5 same actions or conduct involved in a complaint filed under this
6 section, the Committee may stay its complaint investigation pending
7 final resolution of the other investigation.

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

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

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

19 (1) Dismiss the complaint.

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

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

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

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

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

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

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

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

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

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

4 (g) ~~Dismissal of Complaint After Preliminary Inquiry-Investigation.~~ – If the Committee
5 determines at the end of its preliminary ~~inquiry-investigation~~ that the complaint does not allege
6 facts sufficient to constitute a violation of matters over which the Committee has jurisdiction as
7 set forth in subsection (a) of this section, the Committee shall dismiss the complaint and
8 provide written notice of the dismissal to the individual who filed the complaint and to the
9 legislator against whom the complaint was filed.

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

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

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

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

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

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

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

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

41 (6) ~~c.~~ The legislator being investigated shall have the right to present evidence,
42 call and examine witnesses, cross-examine witnesses, introduce exhibits, and
43 be represented by counsel.

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

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

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

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

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

5 c. Refer the matter to the appropriate house for appropriate action,
6 which may include censure and ~~expulsion, if the Committee finds~~
7 ~~substantial evidence of a violation of this Article or other unethical~~
8 ~~activities.~~expulsion.

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

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

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

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

34 (n) Reports. – The Committee shall publish annual statistics on complaints filed with or
35 considered by the Committee, including the number of complaints filed, the number of
36 complaints dismissed, the number of complaints resulting in admonishment, the number of
37 complaints referred to the appropriate house for appropriate action, the number of complaints
38 referred for criminal prosecution, and the number and age of complaints pending action by the
39 Committee."

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

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

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

46 "(d) Each ~~Unless a resignation is filed under G.S. 120C-210,~~ each registration statement
47 of a lobbyist required under this Chapter shall be effective from the date of filing until January
48 1 of the following year. The lobbyist shall file a new registration statement after that date, and
49 the applicable fee shall be due and payable."

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

51 **"§ 120C-206. Lobbyist principal's authorization.**

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

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

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

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

17 **"§ 120C-210. Resignation and termination.**

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

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

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

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

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

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

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

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

41 **"§ 138A-10. Powers and duties.**

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

44 ...

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

1 ...
2 (12) Publish annually statistics on complaints filed with or considered by the
3 Commission, including the number of complaints filed, the number of
4 complaints referred under G.S. 138A-12(b), the number of complaints
5 dismissed under G.S. 138A-12(c)(4), the number of complaints dismissed
6 under G.S. 138A-12(f), the number of complaints referred for criminal
7 prosecution under G.S. 138A-12, the number of complaints dismissed under
8 G.S. 138A-12(h), the number of complaints referred for appropriate action
9 under G.S. 138A-12(h) or G.S. 138A-12(k)(3), and the number and age of
10 complaints pending action by the Commission.

11"

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

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

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

19 "(i) Hearing. –

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

30"

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

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

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

47 "**§ 138A-14. Ethics education program.**

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

1 (b) The Commission shall make basic ethics education and awareness presentations to
2 all public servants and their immediate staffs, upon their election, appointment, or employment,
3 and shall offer periodic refresher presentations as the Commission deems appropriate. Every
4 public servant ~~and the immediate staff of every public servant~~ shall participate in an ethics
5 presentation approved by the Commission within six months of the public servant's election,
6 reelection, appointment, or employment, and shall attend refresher ethics education
7 presentations at least every two years thereafter in a manner as the Commission deems
8 appropriate.

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

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

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

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

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

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

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

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

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

45 "(a) Every covered person subject to this Chapter who is elected, appointed, or
46 employed, including one appointed to fill a vacancy in elective office, except for public
47 servants (i) included under G.S. 138A-3(30)b., e., f., or g. whose annual compensation from the
48 State is less than sixty thousand dollars (\$60,000), or (ii) who are ex officio student members
49 under Chapters 115D and 116 of the General Statutes, shall file a statement of economic
50 interest with the Commission prior to the covered person's initial appointment, election, or
51 employment and no later than April 15 of every year thereafter, except as otherwise filed under

1 subsections (c1) and (d) of this section. A prospective covered person required to file a
2 statement under this Chapter shall not be appointed, employed, or receive a certificate of
3 election, prior to submission by the Commission of the Commission's evaluation of the
4 statement in accordance with this Article. The requirement for an annual filing under this
5 subsection also shall apply to covered persons whose terms have expired but who continue to
6 serve until the covered person's replacement is appointed. Once a statement of economic
7 interest is properly completed and filed under this Article, the statement of economic interest
8 does not need to be supplemented or refiled prior to the next due date set forth in this
9 subsection."

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

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

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

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

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

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

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

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

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

lobbyists, all the members of a committee, a standing subcommittee, a joint committee or joint commission of the House of Representatives, the Senate, or the General Assembly, or all legislative employees are invited, and one of the following applies:

- 1. At least 10 individuals associated with the person or 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

1
2
3
4 Distribution:

5 Governor
6 Secretary of State
7 Legislative Library
8 State Library
9 State Controller
10 State Ethics Commission".

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

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

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

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

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

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

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