



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 744

AMENDMENT NO. 9
(to be filled in by
Principal Clerk)

S744-AMH-52 [v.3]

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Comm. Sub. [YES]
Amends Title [NO]
S744-PCS35555- MDxf-29

Date May 29, 2014

Senator Harrington

1 moves to amend the bill on page 244, line 33, by inserting the following language after that
2 line:

3 **SECTION 34.25(a).** G.S. 136-200.2 reads as rewritten:

4 "...

5 (g) Ethics Provisions. – All individuals with voting authority serving on a metropolitan
6 planning organization who are not members of the Board of Transportation shall do all of the
7 following:

8 ...

9 (4) File, with and in the same manner as the statement of economic interest filed
10 under subdivision (3) of this subsection, an additional disclosure of a list of
11 all real estate owned wholly or in part by the MPO member, the MPO
12 member's extended family, or a business with which the MPO member is
13 associated within the jurisdiction of the MPO on which the MPO member is
14 serving. All additional disclosures of real estate filed by MPO members are
15 public records under Chapter 132 of the General Statutes. The penalties for
16 failure to file shall be as set forth in G.S. 138A-25(d).

17 ...

18 (j) Violations. – A violation of subdivision (1) of subsection (g) of this section shall be
19 a Class 1 misdemeanor. An MPO member who knowingly conceals or knowingly fails to
20 disclose information that is required to be disclosed on a required filing under subdivisions (3)
21 or (4) of subsection (g) of this section shall be guilty of a Class 1 misdemeanor. An MPO
22 member who provides false information on a required filing under subdivisions (3) or (4) of
23 subsection (g) of this section knowing that the information is false is guilty of a Class H felony.
24 If the State Ethics Commission receives written allegations of violations of this section, the
25 Commission shall report such violations to the Attorney General for investigation and referral
26 to the District Attorney for possible prosecution. All written allegations or related documents
27 are confidential and are not matters of public record.

28 "...

29 **SECTION 34.25.(b)** G.S. 136-211 reads as rewritten:

30 "...



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1 (f) Ethics Provisions. – All individuals with voting authority serving on a rural
2 transportation planning organization who are not members of the Board of Transportation shall
3 do all of the following:

4 ...

5 (4) File, with and in the same manner as the statement of economic interest filed
6 under subdivision (3) of this subsection, an additional disclosure of a list of
7 all real estate owned wholly or in part by the rural transportation planning
8 organization member, the rural transportation planning organization
9 member's extended family, or a business with which the rural transportation
10 planning organization member is associated within the jurisdiction of the
11 rural transportation planning organization on which the rural transportation
12 planning organization member is serving. All additional disclosures of real
13 estate filed by members are public records under Chapter 132 of the General
14 Statutes. The penalties for failure to file shall be as set forth in
15 G.S. 138A-25(d).

16 ...

17 (j) Violations. – A violation of subdivision (1) of subsection (f) of this section shall be
18 a Class 1 misdemeanor. A rural transportation planning organization member who knowingly
19 conceals or knowingly fails to disclose information that is required to be disclosed on a
20 required filing under subdivisions (3) or (4) of subsection (f) of this section shall be guilty of a
21 Class 1 misdemeanor. A rural transportation planning organization member who provides false
22 information on a required filing under subdivisions (3) or (4) of subsection (f) of this section
23 knowing that the information is false is guilty of a Class H felony. If the State Ethics
24 Commission receives written allegations of violations of this section, the Commission shall
25 report such violations to the Attorney General for investigation and referral to the District
26 Attorney for possible prosecution. All written allegations or related documents are confidential
27 and are not matters of public record.

28 ..."

29 **SECTION 34.25.(c)** G.S. 138A-25 is amended by adding the following new
30 sections to read:

31 (d) Within 30 days after the date due under G.S. 138A-22, the Commission shall notify
32 persons who are required to file a Statement of Economic Interest under G.S. 136-200.2(g)(3)
33 or G.S. 136-211(f)(3) of a failure to file the Statement of Economic Interest or the filing of an
34 incomplete Statement of Economic Interest. The Commission shall notify the filing person that
35 if the Statement of Economic Interest is not filed or completed within 30 days of receipt of the
36 notice of failure to file or complete, the filing person shall be fined and referred for prosecution
37 after an additional 30 days, as provided for in this section.

38 (1) Any filing person who fails to file a Statement of Economic Interest under
39 G.S. 136-200.2(g)(3) or G.S. 136-211(f)(3) within 30 days of the receipt of
40 the notice required under this section shall be fined two hundred fifty dollars
41 (\$250.00) by the Commission for not filing or filing an incomplete
42 Statement of Economic Interest, except in extenuating circumstances as
43 determined by the Commission.

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1 (2) Failure by any filing person to file or complete the Statement of Economic
2 Interest within 60 days of the receipt of the notice required under this
3 subsection shall be a Class 1 misdemeanor. The Commission shall report
4 such failure to the Attorney General for investigation and referral to the
5 District Attorney for possible prosecution, unless the Commission
6 determines extenuating circumstances exist.

7 (e) Within 30 days after the date due under G.S. 138A-22, the Commission shall notify
8 persons who are required to file an additional disclosure under G.S. 136-200.2(g)(4) or 136-34
9 211(f)(4) of a failure to file the additional disclosure or the filing of an incomplete additional
10 disclosure. The Commission shall notify the filing person that if the additional disclosure is not
11 filed or completed within 30 days of receipt of the notice of failure to file or complete, the
12 filing person shall be fined and referred for prosecution after an additional 30 days, as provided
13 for in this section.

14 (1) Any filing person who fails to file or who files an incomplete additional disclosure
15 within 30 days of the receipt of the notice required under this section shall be fined
16 two hundred fifty dollars (\$250.00) for not filing or filing an incomplete additional
17 disclosure, except in extenuating circumstances as determined by the Commission.

18 (2) Failure by any filing person to file or complete the additional disclosure within 60
19 days of the receipt of the notice required under this subsection shall be a Class 1
20 misdemeanor. The Commission shall report such failure to the Attorney General for
21 investigation and referral to the District Attorney for possible prosecution, unless
22 the Commission determines extenuating circumstances exist."

23 **SECTION 34.25.(d)** This section is effective October 1, 2014, and applies to
24 obligations to file additional disclosures arising on or after that date.
25
26
27

SIGNED *Kathy Hays*
Amendment Sponsor

SIGNED *[Signature]*
Committee Chair if Senate Committee Amendment

ADOPTED J FAILED _____ TABLED _____

