

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

H

D

HOUSE BILL 677
PROPOSED COMMITTEE SUBSTITUTE H677-PCS40446-ST-40

Short Title: State Ethics Comm. Revisions.

(Public)

Sponsors:

Referred to:

April 14, 2015

1 A BILL TO BE ENTITLED
2 AN ACT TO MAKE VARIOUS REVISIONS TO THE STATE GOVERNMENT ETHICS
3 ACT 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
6 read:

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

9 **SECTION 2.** G.S. 138A-3(30)b. reads as rewritten:

10 "b. Employees of the Office of the ~~Governor~~Governor and Lieutenant
11 Governor."

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

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

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



* H 6 7 7 - P C S 4 0 4 4 6 - S T - 4 0 *

1 members of the Board of Governors and the State Board of
2 Community Colleges."

3 **SECTION 4.** G.S. 120C-200 reads as rewritten:

4 **"§ 120C-200. Lobbyist registration procedure.**

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

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

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

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

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

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

32 **SECTION 5.** G.S. 120C-601 reads as rewritten:

33 **"§ 120C-601. Powers and duties of the Commission.**

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

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

46 (c) Complaints of violations of this Chapter and all other records accumulated in
47 conjunction with the investigation of these complaints shall be considered confidential records
48 and may be released only by order of a court of competent jurisdiction. Any information
49 obtained by the Commission from any law enforcement agency, administrative agency, or
50 regulatory organization on a confidential or otherwise restricted basis in the course of an

1 investigation shall be confidential and exempt from G.S. 132-6 to the same extent that it is
2 confidential in the possession of the providing agency or organization.

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

6 **SECTION 6.** This act is effective when it becomes law.