

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

H

1

HOUSE BILL 104*

Short Title: LEC Term Changes/Ethics Training. (Public)

Sponsors: Representatives Glazier, Lucas, Stam, McGee (Primary Sponsors);
M. Alexander, Faison, Fisher, Folwell, Harrison, Hughes, Hurley, Rapp, Spear,
Tarleton, E. Warren, and Wiley.

Referred to: Ethics, if favorable, Judiciary I.

February 11, 2009

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR FOUR-YEAR STAGGERED TERMS OF OFFICE FOR
MEMBERS OF THE LEGISLATIVE ETHICS COMMITTEE AND TO AMEND THE
TIMING OF ETHICS TRAINING FOR LEGISLATORS AS RECOMMENDED BY THE
LEGISLATIVE ETHICS COMMITTEE.

The General Assembly of North Carolina enacts:

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

"§ 120-99. Creation; composition.

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

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

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

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



1 **"§ 120-100. Term of office; vacancies.**

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

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

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

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

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

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

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

48 "(c) The Commission, jointly with the Committee, shall make basic ethics education and
49 awareness presentations to all legislators and legislative employees upon their election,
50 reelection, appointment, or employment and shall offer periodic refresher presentations as the
51 Commission and the Committee deem appropriate. Every legislator ~~and legislative employee~~

1 shall participate in an ethics presentation approved by the Commission and Committee within
2 ~~three~~ two months of either the convening of the General Assembly to which the legislator is
3 electd or within two months of the legislator's appointment, whichever is later. legislative
4 ~~employee's election, reelection, appointment, or~~ Every legislative employee shall participate in
5 an ethics presentation approved by the Commission and Committee within three months of
6 employment, and every legislative employee shall attend refresher ethics education
7 presentations at least every two years thereafter, in a manner as the Commission and
8 Committee deem appropriate."

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