

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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HOUSE BILL 1854*

Short Title: Clarify Indirect Gift Analysis. (Public)

Sponsors: Representatives Glazier, Stam, Wiley, E. Warren (Primary Sponsors);
M. Alexander, Ingle, Lucas, and McGee.

Referred to: Ethics, if favorable, Judiciary I.

May 20, 2010

1 A BILL TO BE ENTITLED
2 AN ACT TO CLARIFY WHAT CONSTITUTES AN INDIRECT GIFT FOR PURPOSES OF
3 CHAPTERS 120C AND 138A OF THE GENERAL STATUTES, AS RECOMMENDED
4 BY THE LEGISLATIVE ETHICS COMMITTEE.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** G.S. 120C-303(a) reads as rewritten:

7 "(a) Except as provided in subsection (b) of this section, no lobbyist or lobbyist principal
8 may do any of the following:

- 9 (1) Knowingly give a gift to a designated individual.
10 (2) Knowingly give a gift with the intent that a designated individual be the
11 ultimate ~~recipient~~ recipient or that a designated individual be one of many
12 recipients. For purposes of this subdivision, where the designated individual
13 is one of many recipients, the lobbyist or lobbyist principal need not intend
14 that the designated individual benefit disproportionately from the gift in
15 order for the gift to be prohibited."

16 **SECTION 2.** 138A-32(c) reads as rewritten:

17 "(c) No public servant, legislator, or legislative employee shall knowingly accept a gift
18 from a lobbyist or lobbyist principal registered under Chapter 120C of the General Statutes. No
19 legislator or legislative employee shall knowingly accept a gift from liaison personnel
20 designated under Chapter 120C of the General Statutes. No public servant, legislator, or
21 legislative employee shall accept a gift knowing all of the following:

- 22 (1) The gift was obtained indirectly from a lobbyist, lobbyist principal, or
23 liaison personnel registered under Chapter 120C of the General Statutes.
24 (2) The lobbyist, lobbyist principal, or liaison personnel registered under
25 Chapter 120C of the General Statutes intended for the ultimate recipient or
26 one of many recipients of the gift to be a public servant, legislator, or
27 legislative employee as provided in G.S. 120C-303. For purposes of this
28 subdivision, where the public servant, legislator, or legislative employee is
29 one of many recipients, the public servant, legislator, or legislative employee
30 need not benefit disproportionately from the gift in order for the gift to be
31 prohibited."

32 **SECTION 3.** G.S. 138A-32(d1) reads as rewritten:

33 "(d1) No public servant shall accept a gift knowing all of the following:

- 34 (1) The gift was obtained indirectly from a person described under subdivisions
35 (d)(1), (2), and (3) of this section.



1 (2) The person described under subdivisions (d)(1), (2), and (3) of this section
2 intended for the ultimate recipient or one of many recipients of the gift to be
3 a public servant. For purposes of this subdivision, where the public servant is
4 one of many recipients, the public servant need not benefit
5 disproportionately from the gift in order for the gift to be prohibited."

6 **SECTION 4.** This act is effective when it becomes law and applies to gifts given
7 or accepted on or after that date.