

February 10, 2009

H 104. LEC TERM CHANGES/ETHICS TRAINING. Filed 2/10/09. *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.*

Amends GS 120-99 to modify the appointment process for the Legislative Ethics Committee (Committee) by removing the requirement that the appointments be made from a list of *six nominees* submitted by the minority and majority leaders of the General Assembly to the appointing officers, but instead requires that the submitted list include twice the number of vacancies on the Committee that are to be filled from that leader's nominees. Provides that the cochairs appointed to the Committee serve as cochair for the current General Assembly and until the cochair's successor is designated. Makes a technical change. Amends GS 120-100 to limit the term of office for members of the Committee to four years from the date of the convening General Assembly in which the member is appointed (was, service until the expiration of their then current terms as members of the General Assembly). Prohibits members from serving two consecutive full terms. Clarifies that a vacancy on the Committee occurs when a member resigns, is removed by an appointing officer, or is no longer a member of the General Assembly. Makes a conforming change. Amends GS 138A-14(c) to require that every legislator participate in an approved ethics presentation within two months (was, three) of *either* the convening of the General Assembly to which the legislator is elected *or* within two months of being appointed, whichever is later. Clarifies that every legislative employee must participate in an approved ethics presentation within three months of employment.

Sets forth the initial terms of legislators appointed as members of the Committee for the 2009 General Assembly.

Intro. by Glazier, Lucas, Stam, McGee.

GS 120, 138A

February 26, 2009

H 104. LEC TERM CHANGES/ETHICS TRAINING. Filed 2/17/09. House committee substitute makes the following changes to 1st edition. Deletes from proposed language amending GS 120-100 that a vacancy may occur on the Legislative Ethics Committee (Committee) if a member *is removed by the appointing officer from the Committee*. Also adds that, if a member is unable to act on a specific matter before the Committee, then the appointing officer may appoint another member from a list of *two members* (was, unspecified number of members), submitted by the majority leader or minority leader who nominated the member unable to act, to serve on the Committee for that specific matter only.

Further amends GS 120-99 to require that the Speaker of the House and the President Pro Tempore ensure that the composition of the Committee is bipartisan in equal numbers. Makes a technical change. Modifies the proposed appointments of Committee members for the 2009 General Assembly by requiring that (1) the majority (was, minority) leaders in both chambers make recommendations for two members, and the minority (was, majority) leaders make recommendations for four members, to serve two-year terms and (2) the majority (was, minority) leaders in both chambers make recommendations for four members, and the minority (was, majority) leaders make recommendations for two members, to serve four-year terms.

August 4, 2009

H 104. CLARIFY LEGISLATIVE CONFIDENTIALITY (NEW). Filed 2/10/09. Senate committee substitute deletes all the provisions of the 2nd edition and replaces it with *AN ACT TO CLARIFY LEGISLATIVE CONFIDENTIALITY*. Rewrites Article 17 of GS Chapter 120 as amended by SL 2009-129 as follows. Amends GS 120-130(c) to provide that documents, including any supporting documents, submitted to a legislator by another person or to a legislative employee by a legislator in connection with a drafting or information request are confidential. Clarifies that drafting requests, information requests, and documents submitted under subsection (c) are not public records as defined by GS 132-1. Provides that a document that is included as a supporting document that is nonetheless a public record will continue to be treated as a public record.

Amends GS 120-131.1 to provide that the statute applies to requests from legislative employees for assistance (was, assistance in preparation of fiscal notes and evaluation reports). Provides that a request and any supporting documents made to an agency employee by a legislative employee under GS 120-130 or GS 120-131 is confidential. Limits an agency employee to revealing the existence of the request only to other agency employees to the extent necessary to respond to the request and to the agency employee's supervisor. Requires that confidential requests and documents under this statute bear an indication on the face of the document or request that it is confidential and not a public record. Replaces occurrences of the phrase "accompanying documents" with "supporting documents." Provides that violations of the statute are subject to penalties as set forth in GS 120-134 (was, violations may be grounds for disciplinary actions).

Amends GS 120-132(a) to provide that no present or former legislative employee may disclose (was, may be required to disclose) any confidential information that the individual acquired except as provided in subsections (b) and (c) of GS 120-132 and expands the locations from which the protected information may be obtained. Provides that a former or present legislative employee may disclose information acquired under subsection (a) of this statute that would be reflected in the official public record or was otherwise disseminated publicly. Subject to GS 120-9, GS 120-1333, and the common law of legislative immunity, authorizes a presiding judge (was, a presiding judge of a court of competent jurisdiction), to compel disclosure of information acquired under subsection (a) if the judge deems it necessary for a proper administration of justice.

Amends GS 120-134, effective December 1, 2009, and applying to offenses committed on or after that date, to direct that a current legislative employee who is a law student extern and who violates the provisions of Article 17 be referred to the extern's academic institution for appropriate discipline and provide that the externship may be terminated. Provides that a willful violation by any other person is a Class 3 misdemeanor.

Enacts GS 120-135 to provide that a legislative employee that is hired by, supervised by, or assigned to a member is to be treated as the member for purposes of legislative confidentiality.

Provides that if House Bill 1134 becomes law, then GS 114-51(d) as enacted by House Bill 1134, is amended to provide that the statute does not apply to the Judicial Department or the General Assembly. Also provides that a member of the General Assembly may request the assistance of the Open Government Unit to assist with mediating a public records request.

September 24, 2009

H 104. CLARIFY LEGISLATIVE CONFIDENTIALITY. AN ACT TO CLARIFY LEGISLATIVE CONFIDENTIALITY. Summarized in *Daily Bulletin* 8/4/09. **VETOED**