

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

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HOUSE BILL 723
Committee Substitute Favorable 4/9/01

Short Title: Appointed Member's Statement of Economic Int. (Public)

Sponsors:

Referred to:

March 22, 2001

1 A BILL TO BE ENTITLED
2 AN ACT TO REQUIRE ALL MEMBERS OF THE GENERAL ASSEMBLY TO FILE
3 STATEMENTS OF ECONOMIC INTEREST.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. G.S. 120-89 reads as rewritten:

6 "§ 120-89. Statement of economic interest by legislative candidates; filing
7 required.

8 (a) Every person who files as a candidate for nomination or election to a seat in
9 either house of the General Assembly shall file a statement of economic interest as
10 specified in this Article within 10 days of the filing deadline for the office he seeks.

11 (b) The statement of economic interest shall be filed at the same place, and in the
12 same manner, as the notice of candidacy which a candidate seeking party nomination
13 for the office of State Senator or member of the State House of Representatives is
14 required to file under the provisions of G.S. 163-106."

15 SECTION 2. G.S. 120-90 is repealed.

16 SECTION 3. G.S. 120-92 reads as rewritten:

17 "§ 120-92. Filing by candidates not nominated in primary elections.

18 A person who is nominated pursuant to the provisions of G.S. 163-114 after the
19 primary and before the general election, and a person who qualifies pursuant to the
20 provisions of G.S. 163-122 as an independent candidate in a general election shall file
21 with the county board of elections of each county in the senatorial or representative
22 district a statement of economic ~~interest~~interest as specified in this Article. A person
23 nominated pursuant to G.S. 163-114 shall file the statement within three days following
24 his nomination, or not later than the day preceding the general election, whichever
25 occurs first. A person seeking to qualify as an independent candidate under G.S.
26 163-122 shall file the statement of economic interest with the petition filed pursuant to
27 that section. A person who is nominated by party convention of a new political party in
28 accordance with G.S. 163-98 shall file a statement of economic interest as specified in
29 this Article with the county board of elections of each county in the senatorial or

1 representative district within 10 days of the certification with the State Board of
2 Elections of the new party's candidates required by G.S. 163-98."

3 **SECTION 4.** Part 2 of Article 14 of Chapter 120 of the General Statutes is
4 amended by adding a new section to read:

5 **"§ 120-92.1. Statement of economic interest by persons appointed to legislative**
6 **seats; filing required.**

7 Every person appointed to fill a vacant seat in the General Assembly pursuant to
8 G.S. 163-11 shall file a statement of economic interest as specified in this Article with
9 the Legislative Services Office and the county board of elections of each county in the
10 senatorial or representative district no later than 10 days after taking the oath of office."

11 **SECTION 5.** G.S. 120-96 reads as rewritten:

12 **"§ 120-96. Contents of statement.**

13 (a) Any statement of economic interest filed under this Article shall be on a form
14 prescribed by the Committee, and the person filing the statement shall supply the
15 following information:

- 16 (1) The identity, by name, of any business with which he, or any member
17 of his immediate household, is associated;
- 18 (2) The character and location of all real estate of a fair market value in
19 excess of five thousand dollars (\$5,000), other than his personal
20 residence (curtilage), in the State in which he, or a member of his
21 immediate household, has any beneficial interest, including an option
22 to buy and a lease for 10 years or over;
- 23 (3) The type of each creditor to whom he, or a member of his immediate
24 household, owes money, except indebtedness secured by lien upon his
25 personal residence only, in excess of five thousand dollars (\$5,000);
- 26 (4) The name of each "vested trust" in which he or a member of his
27 immediate household has a financial interest in excess of five thousand
28 dollars (\$5,000) and the nature of such interest;
- 29 (5) The name and nature of his and his immediate household member's
30 respective business or profession or employer and the types of
31 customers and types of clientele served;
- 32 (6) A list of businesses with which he is associated that do business with
33 the State, and a brief description of the nature of such business; and
- 34 (7) In the case of professional persons and associations, a list of
35 classifications of business clients which classes were charged or paid
36 two thousand five hundred dollars (\$2,500) or more during the
37 previous calendar year for professional services rendered by him, his
38 firm or partnership. This list need not include the name of the client
39 but shall list the type of the business of each such client or class of
40 client, and brief description of the nature of the services rendered.

41 (b) All information provided in the statement of economic interest shall be
42 current as of the last day of December of the year preceding the signature date."

1 **SECTION 6.** G.S. 120-98 reads as rewritten:

2 "**§ 120-98. Penalty for failure to file.**

3 (a) If a candidate does not file the statement of economic interest within the time
4 required by this Article, the county board of elections shall immediately notify the
5 candidate by registered mail, restricted delivery to addressee only, that, if the statement
6 is not received within 15 days, the candidate shall not be certified as the nominee of his
7 party. If the statement is not received within 15 days of notification, the board of
8 elections authorized to certify a candidate as nominee to the office shall not certify the
9 candidate as nominee under any circumstances, regardless of the number of candidates
10 for the nomination and regardless of the number of votes the candidate receives in the
11 primary. A vacancy thus created on a party's ticket shall be considered a vacancy for the
12 purposes of G.S. 163-114, and shall be filled according to the procedures set out in G.S.
13 163-114.

14 (b) Repealed by Session Laws 1987 (Reg. Sess., 1988), c. 1028, s. 5.

15 (c) If a person appointed to fill a vacant seat in the General Assembly pursuant to
16 G.S. 163-11 does not file the statement of economic interest within the time required by
17 this Article, the Legislative Services Officer shall notify the person that the statement
18 must be received within 15 days of notification. If the statement is not received within
19 the time allowed in this subsection, then the Legislative Services Officer shall notify the
20 Legislative Ethics Committee of the failure to file the statement."

21 **SECTION 7.** This act is effective when it becomes law.