



This Bill Analysis reflects the contents of the bill as it was presented in committee.

HOUSE BILL 584: Use of Position/Letters of Reference

2015-2016 General Assembly

Committee:	House Ethics	Date:	April 22, 2015
Introduced by:	Reps. Glazier, Faircloth, Daughtry, Harrison	Prepared by:	Denise Adams
Analysis of:	First Edition		Legislative Analyst

SUMMARY: House Bill 584 would expand the statutory exceptions that govern when a covered person may mention their public position to include (i) certain letters of reference and (ii) responses to inquiries of potential employers.

CURRENT LAW: Under the State Government Ethics Act, a covered person is defined as "a legislator, public servant, or judicial officer, as identified by the [State Ethics] Commission." The State Government Ethics Act provides that unless there is a statutory exception, a covered person should not mention or authorize another person to mention the covered person's public position in nongovernmental advertising that advances the private interest of the covered person or others. There are currently six exceptions to this prohibition:

- (1) Political advertising.
- (2) News stories and articles.
- (3) The inclusion of a covered person's public position in a directory or a biographical listing.
- (4) The inclusion of a covered person's public position in an agenda or other document related to a meeting, conference, or similar event when the disclosure could reasonably be considered material by an individual attending the meeting, conference, or similar event.
- (5) The inclusion of a covered person's public position in a charitable solicitation for a nonprofit business entity qualifying under 26 U.S.C. § 501(c)(3).
- (6) The disclosure of a covered person's position to an existing or prospective customer, supplier, or client when the disclosure could reasonably be considered material by the customer, supplier, or client.

BILL ANALYSIS: House Bill 584 would add two new statutory exceptions to current law to clarify that covered persons may mention or authorize others to mention the covered person's public position in the following situations:

- (7) A letter of character reference for (i) a student seeking admittance to a school or institute of higher education, (ii) an individual seeking an academic scholarship, or (iii) an individual seeking leniency about sentencing by the courts, or other matters related to probation or parole.
- (8) A response to an inquiry of a potential employer as to the qualifications and character of an individual seeking employment.

EFFECTIVE DATE: This bill would be effective when it becomes law.

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