



# HOUSE BILL 584: Use of Position/Letters of Reference

2015-2016 General Assembly

<b>Committee:</b>	Senate Judiciary II	<b>Date:</b>	July 22, 2015
<b>Introduced by:</b>	Reps. Glazier, Faircloth, Daughtry, Harrison	<b>Prepared by:</b>	Bill Patterson
<b>Analysis of:</b>	PCS to First Edition H584-CSST-81		Committee Counsel

**SUMMARY:** *The PCS for House Bill 584 would amend the State Government Ethics Act to permit a covered person to mention their public position in (i) certain letters of reference and (ii) responses to inquiries of potential employers. The PCS would permit such mention of the covered person's public position in a letter written at the request of a person seeking employment.*

**CURRENT LAW:** In the absence of a statutory exception, the State Government Ethics Act provides in G.S. 138A-31(b) that a "covered person"<sup>1</sup> shall 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 amend G.S. 138A-31(b) to permit covered persons to mention or authorize others to mention the covered person's public position in a letter of character reference for individuals:

- seeking admission to a school or institute of higher education
- seeking an academic scholarship
- seeking leniency in sentencing or other matters related to probation or parole; and
- seeking employment, at the request of that individual or in response to an inquiry of a potential employer

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

<sup>1</sup> A covered person is "a legislator, public servant, or judicial officer, as identified by the [State Ethics] Commission." G.S. 138A-3(10).

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*Denise Huntley Adams, counsel to House Ethics, substantially contributed to this summary.*