

BY: Commerce and Government Matters Committee

AMENDMENTS TO SENATE BILL NO. 542

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 7, after “procedures;” insert “requiring the governing board of an educational institution to provide written notice to the Ethics Commission of certain exemptions granted to certain officials; requiring the Ethics Commission to review certain exemptions and advise the Governor and the Legislative Policy Committee of the General Assembly regarding the exemptions;”.

AMENDMENT NO. 2

On page 5, after line 40, insert:

“(H) (1) THIS SUBSECTION APPLIES TO AN OFFICIAL WHO IS A CHANCELLOR, VICE-CHANCELLOR, PRESIDENT, OR VICE-PRESIDENT, OR TO AN INDIVIDUAL WHO HOLDS A SIMILAR SUCH POSITION, AT A PUBLIC SENIOR HIGHER EDUCATIONAL INSTITUTION IN THE STATE.

(2) AN OFFICIAL SUBJECT TO THIS SUBSECTION MAY NOT RECEIVE AN EXEMPTION UNDER THIS SECTION UNLESS THE GOVERNING BOARD OF THE EDUCATIONAL INSTITUTION FINDS:

(I) THAT PARTICIPATION BY, AND THE FINANCIAL INTEREST OF EMPLOYMENT OF, THE OFFICIAL IS NECESSARY TO THE SUCCESS OF THE RESEARCH OR DEVELOPMENT ACTIVITY; AND

(II) THAT THE CONFLICT OF INTEREST CAN BE MANAGED CONSISTENT WITH THE PURPOSES OF THIS SECTION AND OTHER RELEVANT PROVISIONS OF THIS TITLE.

(Over)

(3) THE GOVERNING BOARD OF AN EDUCATIONAL INSTITUTION SHALL NOTIFY THE ETHICS COMMISSION IN WRITING OF ANY EXEMPTION THAT IS GRANTED UNDER THIS SECTION TO AN OFFICIAL SUBJECT TO THIS SUBSECTION.

(4) (I) IF THE ETHICS COMMISSION DISAGREES WITH AN EXEMPTION THAT IS GRANTED BY THE GOVERNING BOARD OF AN EDUCATIONAL INSTITUTION TO AN OFFICIAL WHO IS SUBJECT TO THIS SUBSECTION, WITHIN 30 DAYS AFTER RECEIPT OF THE NOTICE UNDER PARAGRAPH (3) OF THIS SUBSECTION, THE ETHICS COMMISSION SHALL NOTIFY THE GOVERNING BOARD OF THE REASON FOR ITS CONCERN AND ATTEMPT TO RESOLVE THE DISAGREEMENT.

(II) IF THE ETHICS COMMISSION AND THE GOVERNING BOARD OF THE EDUCATIONAL INSTITUTION ARE UNABLE TO RESOLVE THE DISAGREEMENT, THE ETHICS COMMISSION SHALL ADVISE THE GOVERNOR AND THE LEGISLATIVE POLICY COMMITTEE OF THE GENERAL ASSEMBLY IN WRITING OF THE BASIS FOR ITS CONCERN.”.

On page 6, in line 1, strike “(H)” and substitute “(I)”.