

**2015 HOUSE GOVERNMENT AND VETERANS AFFAIRS**

**HCR 3060**

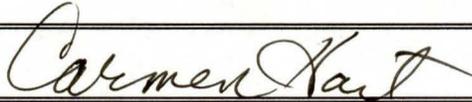
# 2015 HOUSE STANDING COMMITTEE MINUTES

## Government and Veterans Affairs Committee Fort Union, State Capitol

HCR 3060  
3/12/2015  
24728

- Subcommittee  
 Conference Committee

Committee Clerk Signature



### Explanation or reason for introduction of bill/resolution:

Relating to creation of a state ethics commission

### Minutes:

Attachments 1-4

**Chairman Kasper** opened the hearing on HCR 3060.

**Rep. Corey Mock** appeared in support of HCR 3060. I am here for the proposal of a state ethics commission. Ethics commissions exist in all but eight states. This is a proposal, a constitutional amendment that the legislative assembly shall create an ethics commission with the approval of the vote of the people. Attachments 1-3. He went over the amendment (Attachment 1-2). Attachment 3 provides a really good background and detailed information about ethics committees, internal oversight and ethics laws, and it really explains and quotes our colleagues in other states about why their state has embarked and convened to create these entities. There are three different approaches for having ethics committees. There are commissions, joint committees, and oversight committees within the individual bodies. Page 3 of Attachment 3 is a chart of all 50 states and whether they have the jurisdiction of their state ethics commissions. An ethics commission is generally independent in nature. An ethics committee is a standing committee of the legislature and is comprised of members and has in many cases jurisdiction over all members and candidates for those bodies. There are eight states that do not have ethics commissions. Those states are Arizona, Idaho, New Mexico, North Dakota, South Dakota, Vermont, Virginia, and Wyoming. All of those eight states except North Dakota have an ethics oversight committee. Arizona has a special committee in both the House and the Senate regarding ethics. Idaho has a Senate committee and House committee on ethics. New Mexico has a Senate ethics committee and a House ethics committee. South Dakota has a Senate \_ and House committee on discipline and expulsion. Vermont has a House and Senate ethics panel. Virginia has the Senate and House advisory panel. Wyoming has extended jurisdiction of ethics to their Senate judiciary committee and the House rules and procedures committee. I bring this because there is a perception problem. You will see headlines from articles that have been produced, and there is the perception that North Dakota is not doing it right. I believe that is the most damaging component of what we have before us. It is the lack of any oversight to silence critics and say no, there is no corruption in North Dakota. The last article I

included was an article regarding the state of Virginia. Virginia went through some pretty rough times with corruption allegations. Virginia has been lumped in with North Dakota as one of the states that receives poor grades. We often answered them by saying I don't see a problem in the state. I trust my colleagues. There is nothing bad happening here. In Virginia it was a national if not international profile corruption case that really turned their state end over end. It really questioned their lack of laws. Just because you don't have the committee or the commission doesn't mean it isn't possible to occur, and that is what we are looking to achieve, to provide the mechanism for oversight that insures voters can maintain their trust and integrity of the system. Whenever we return home, we can say that North Dakota truly is a wonderful state. We trust each other, and we know that corruption is inexcusable, never to be tolerated and the people who would ever try to tarnish the reputation of our institutions, our government should reap the consequences they deserve.

**Rep. Louser** I don't think this is an easy bill. I have taught the code of ethics, and I have been on the board of directors that have changed the code of ethics. Who determines the definition of violations of campaign conduct or violations of ethical standards?

**Rep. Mock** This tells the legislative assembly to create the commission. That authority is further defined by statute. We have in 16.1 laws governing candidates and elected officials. It would be defined by this body that if a commission were to exist, that authority on those matters would be defined by that assembly and overseen by the commission.

**Rep. Louser** Who would be behind promoting this?

**Rep. Mock** In terms of advocating for the passage on the ballot of this measure, that would be members of the public who want to see it pass. We as the legislature have put constitutional amendments on the ballot, and there is no fiduciary responsibility of the state to promote or campaign on behalf of this.

**Rep. Louser** Why are we hearing this constitutional amendment after crossover?

**Rep. Mock** The reason this was put in later was to give us time to consider it, to do some research, to visit with sponsors, and to really dedicate the time needed so that this bill got the hearing that it needed.

**Rep. Louser** Why on the primary instead of the general?

**Rep. Mock** It is the upcoming election. The primary is the next election. If this committee would rather see it on the general election, that would be fine.

**Rep. Louser** Who drafted this?

**Rep. Mock** I drafted this in counsel with sponsors of the bill and Legislative Council.

**Rep. Louser** What actual problems are we trying to solve here?

**Rep. Mock** The problem of perception is significant enough. The second answer to the question is not specifically germane to this. In 2013 this committee and our body

addressed issues of voter identification, and despite not having evidence of no more than one allegation of voter fraud in the last 10 years, we as a body said the fact that there hasn't been voter fraud is twofold. One, that we have not invested any energy to investigate whether voter fraud exists, and secondly, why should we wait until specific instances of voter fraud have occurred before we take action? Those were the arguments. We should not be a reactionary body.

**Rep. Louser** On the floor debate, you had mentioned about campaign funds when you were first elected. Somebody had advised you to just put it in your account. In that type of suggestion would this ethics commission find reason to investigate something like that?

**Rep. Mock** If you run once, and you lose and you have \$500 left in a campaign account, we have no reporting of expenditures. There is no reporting of income required for campaign contributions unless it is greater than \$200. I disagreed. I never closed the account, because that is not the intent. People do not give to a candidate for personal income. If this legislature thought that was a problem and passed a law prohibiting the personal use of campaign funds or if they wanted to further enforce campaign contributions or expenditures and they believe that was suitable for the discretion and if we pass that, that would fall under the discretion of this proposed commission.

**Rep. Louser** We didn't pass it, so in that bit of advice, would that warrant an investigation under the new commission that would be proposed as an ethics violation if the law says that it is legal?

**Rep. Mock** That would only be a concern of the ethics commission if that law in the future was passed by this assembly, or if we as a legislature adopted a code of ethics that spelled out guidelines for ethical behavior and that was included it in, then it would.

**Rep. Louser** If we would have passed the law, there would be a mechanism for discipline under the law being passed and the ethics commission wouldn't be necessary for that instance. If the law passes, then the law is the law. If the law doesn't pass, then the ethics commission has no purview over the conduct. What is the point of the ethics commission in that instance?

**Rep. Mock** The ethics commission has the ability to render civil penalties, and one of the civil penalties may be that the person could be expelled from the assembly. This language gives the assembly the ability to prescribe the governing practices of an ethics commission.

**Rep. M. Johnson** You find the need for the ethics commission not at all in identifiable problems within our state currently, but on this nationwide perception provided by the media regarding North Dakota. Correct?

**Rep. Mock** If there had ever been an allegation of ethical misconduct, this would not be my place to ever share that.

**Rep. M. Johnson** According to your first article, there have been between 7.5 and 10 cases of political corruption in North Dakota between 2000 and 2010.

**Rep. Mock** I don't believe that the merit of an ethics commission should be judged based on the severity of any previous case or the lack of evidence of a current allegation.

**Rep. M. Johnson** You said it is all about perception. What I am getting to is the validity of that perception, because you can go through each of these articles and find such severe lack of investigative reporting. The USA Today says North Dakota is the most corrupt state in the union without any standards.

**Rep. Mock** I am not here to defend any of these articles. These are articles that have been published in magazines and newspapers that discuss activities in North Dakota with no opportunity for us to dismiss those claims. North Dakota, publicized and popularized by the USA Today that we were the most corrupt state was a study done by the Center for Public Integrity.

**Chairman Kasper** When we really looked into the validity and the information that study used, it was just a joke.

**Rep. Mock** If that is the case, then it was a joke for all of the states. At least it was conducted consistently for all 50 states. We have no way of demonstrating that that doesn't exist.

**Rep. Steiner** When campaigning in my district, I didn't have anyone approach me with concerns or perceptions of anything that you are talking about. Did you find in your district that they have concerns about ethics in your personal district?

**Rep. Mock** I have heard from multiple people both in my district and not in my district that they have concerns that North Dakota gets a bad reputation or that they believe that some improper activities may occur.

**Rep. Steiner** One of the articles cited was Tex Hall and there were some ethics violations there. Are you aware that is a sovereign nation? That is not the state of North Dakota?

**Rep. Mock** Absolutely. That article was one of three focusing on activities in North Dakota, and the one instance occurred on a sovereign nation. It would not be subject to the jurisdiction of this commission.

**Chairman Kasper** It may have been interesting to have the other two articles ...

**Rep. Mock** The reason I didn't was a matter of brevity. I would be happy to email them to the committee.

**Rep. Wallman** Have you heard in your area in Grand Forks that businesses may not want to do business in North Dakota? Do you feel that the perception that we may not be on top of it here has an economic impact for our state?

**Rep. Mock** Whether a business has chosen to not work in North Dakota or not, I haven't gone down that path specifically. We have one business in Grand Forks that is relocating

for a lot of reasons, but one of them is the relationship and the reputation of governing bodies.

**Chairman Kasper** Were you citing an example of a business in Grand Forks that from your knowledge relocated because of an issue with a governmental situation?

**Rep. Mock** It is in the Grand Forks area. They relocated their business for a variety of reasons. One of them was that they weren't able to maintain the working relationship with the governing entities they needed in order to achieve success.

**Chairman Kasper** Would that have been a local government agency like a city or county commission?

**Rep. Mock** That was all political subdivisions including the state that they were working with. They were a manufacturing facility that requires permits and zoning.

**Chairman Kasper** Are you suggesting there was corruption involved in that situation?

**Rep. Mock** I am not suggesting anything. I was responding to a question providing an anecdotal situation. Their decision was based on a multitude of factors, and I cannot speak for them. That is a confidential matter.

**Vice Chair Rohr** Have you ever been a member of or participated in an ethics committee hearing?

**Rep. Mock** No. I have been involved in meetings where we have discussed the conduct of an individual. I wouldn't go so far as to call it an ethics committee, but I have been in organizations where we have reviewed the conduct of a volunteer or a member, and we have discussed if any consequences should be rendered as a result of their action.

**Vice Chair Rohr** Would you consider that a hearing and that you advised or recommended any action to be taken?

**Rep. Mock** It was a private organization where it was a membership review. We recommended to the membership whether sanctions should be rendered, but it was nothing to the scale that would be a public hearing for a governmental entity.

**Rep. Laning** We already have quite a few laws on the book dealing with corrupt practices and unethical behavior, etc. If this commission were to be in place, how do you feel that would enhance those laws that are already there?

**Rep. Mock** This would have the oversight over the corrupt practices act and other laws. It would have the ability to investigate any allegations. It would be a point that any member of the public could bring forward an investigation. It would be up to the legislative assembly to decide whether it could be dismissed on any grounds whether it would be subject to open meetings when the documents would be public. This would give us an enforcement agency for those laws and any ethical provisions that we as a body would create.

**Rep. Mooney** Would an ethics commission also be able to think proactively into the future as to help prevent any instances of impropriety or some type of unethical situations that could occur as gaps?

**Rep. Mock** I do not believe that the way this is worded that it could as a commission recommend statute, either law, proposed bills, or standards. It also doesn't say that it couldn't.

**Chairman Kasper** You mentioned that you would be happy to supply the committee the instances that Rep. Johnson indicated that she was curious and upset about, and I would ask you to do that for us.

**Rep. Mock** I will contact the individual that did that study and I will certainly do that.

**Chairman Kasper** I wrote down some national surveys that were done by authoritative organizations that are recognized as authentic. North Dakota has been voted as the Number one business climate state. We have been voted as the Number one most trusted state government in the United States. We have been determined to have the largest and fastest growth of the gross national product of any states in the country. We have been determined to be Number one in wage growth in the United States. We have the lowest unemployment rate in the United States. We have the highest percentage population growth in the United States, and until just recently we were the happiest state in the nation. Now we have dropped down to 23. I would seem to think that the record of data verifies that the business community, not only in North Dakota but around the country, and the statistics that we have developed and earned by our business community with the cooperation of a state government that encourages business growth sort of speak for themselves.

Attachment 4 was brought in by Carel Two-Eagle on 3/13/15 in support.

No opposition.

The hearing was closed.

# 2015 HOUSE STANDING COMMITTEE MINUTES

## Government and Veterans Affairs Committee Fort Union, State Capitol

HCR 3060  
3/12/2015  
24781

- Subcommittee  
 Conference Committee

Committee Clerk Signature



### Explanation or reason for introduction of bill/resolution:

Relating to creation of a state ethics commission

### Minutes:

"Click to enter attachment information."

**Chairman Kasper** opened the meeting on HCR 3060. We need to take action on this resolution, because we were given an extension.

**Rep. Steiner** made a motion for a DO NOT PASS.

**Rep. Dockter** seconded the motion.

**Rep. Wallman** Did we vote on the amendments?

**Chairman Kasper** No, we did not.

**Rep. Mooney** Why would we be upset with the idea of an ethics committee? What do we have to fear by it? This is something that would go to a vote of the people. Once and for all, it puts it to rest.

**Rep. Louser** When you become the face of an issue, you hear it more often. I don't doubt that Rep. Mock hears it more often than we do. Rep. Mock did talk to both parties after he was elected regarding the finances. My point on that was if that is under current law legal, could the newly formed ethics commission investigate that action? As I read the bill, and that is what leads me to my concern about this, is that there is a difference between ethics and law. Ethics are what is perceived to be right and wrong or rules of conduct and a moral code which are typically not punishable. Laws are codified, and they are enforced by government entities and they are punishable. As I read this proposal, the commission can only define ethical behavior based on laws that they introduce and we pass, which then takes the ethic and makes it a law. If the best argument is changing our constitution based on a perception of people in the media or suffering in a court of public opinion that we want to silent some critics, I don't think our constitution is the place to do that. The bottom line is we are talking about amending our constitution, and I haven't really heard an argument

other than perceptions and anecdotal reasons rather than solid reasons or reality so I would support the do not pass.

**Rep. Wallman** I don't entirely disagree with Rep. Louser's comments. Rep. Steiner just made a great point about perception. We spend a lot of money taking care of our veterans, and the perception is it is the federal government. We work hard, and it would be really nice if people recognized that. If we are failing in the public's perception, I believe there could be a real financial cost to that. We have nothing to lose by doing this, and I believe there is some good that could from this. I would have preferred it with the amendments. I would make a friendly amendment to the motion if the motioners would entertain it. If not, that is fine.

**Rep. Steiner** Sometimes you sense some frustration from some people. Rep. Wallman you made a comment this morning that we don't run a tight ship in North Dakota. The public is listening to us at all times, and I disagree. I think we do run a tight ship. My feeling is that is probably some of the frustration on both sides.

**Rep. B. Koppelman** North Dakota has open meeting laws. The ability to open record requests in addition to open meetings allows additional transparency. We have technology that videotapes literally every minute of the floor session. We have audio that tapes all of the committee meetings. All of our public time is very scrutinized. I don't think we had any members of the public come and testify in any of these bills saying this is the problem with government, so I am going to support the do not pass.

**Rep. Schneider** Our state has changed and grown quickly. There is a perception that comes with a lot of new money from newly mind resources that has an opportunity and probably has had the effect of tainting some opinions about the legislative body. When I was campaigning, there were some comments from folks I would talk to at the door like it doesn't matter what I think anyway. It is bought and sold by big oil money out there. None of these statements I agreed with and did have discussion to try and diffuse that. It did surprise me as I have looked at some of the bills that have come through the committee and how they have been received in other states, that we seem resistant to that. I think that procedural safeguards have historically and, in fact, been better established before they needed rather than in response to some kind of negative action or circumstance. I think we establish, as lawmakers, the protections for the circumstances and for the citizens who come after us. It seems pretty normal and positive to me to ask people what they think and let them say.

**Rep. Louser** Three states really stand out when we talk about corruption. They are Illinois, Louisiana, and New Jersey. All of them have commissions. Two of the three have two commissions, and it isn't working in perception anyway.

**Rep. Laning** I don't also feel that ethics commissions work. I think Washington DC is a perfect example of being a most corrupt place and we have all kinds of ethics laws there.

**Rep. Wallman** In my fourth or fifth week here in the session, it came to my attention that my committee chair had called a meeting of a majority of our committee, two of whom sit on this committee as well and didn't invite everyone. This committee was a quorum, and they

discussed matters that were going to come before the committee. That is officially an open meeting violation by the laws of North Dakota. When I brought this to the attention of my house minority chair, he spoke with the other party. This person still has their chair even though they violated the law, and nothing happened. If we had an ethics commission, there would at least be a discussion around that practice.

**Rep. M. Johnson** I find a lot of technical problems with this, both original and amended.

A roll call vote was taken. 10 Yeas, 4 Nays, 0 Absent.

**Rep. Louser** will carry the bill.

Date: 3-12-15  
 Roll Call Vote #: 1

**2015 HOUSE STANDING COMMITTEE  
 ROLL CALL VOTES  
 BILL/RESOLUTION NO. 3060**

House Government and Veterans Affairs Committee

Subcommittee

Amendment LC# or Description: \_\_\_\_\_

- Recommendation:  Adopt Amendment  
 Do Pass  Do Not Pass  Without Committee Recommendation  
 As Amended  Rerefer to Appropriations  
 Place on Consent Calendar  
 Other Actions:  Reconsider  \_\_\_\_\_

Motion Made By Steina Seconded By Dockter

Representatives	Yes	No	Representatives	Yes	No
Chairman Jim Kasper	X		Rep. Bill Amerman		X
Vice Chair Karen Rohr	X		Rep. Gail Mooney		X
Rep. Jason Dockter	X		Rep. Mary Schneider		X
Rep. Mary C. Johnson	X		Rep. Kris Wallman		X
Rep. Karen Karls	X				
Rep. Ben Koppelman	X				
Rep. Vernon Laning	X				
Rep. Scott Louser	X				
Rep. Jay Seibel	X				
Rep. Vicky Steiner	X				

Total (Yes) 10 No 4

Absent 0

Floor Assignment Louser

If the vote is on an amendment, briefly indicate intent:

**REPORT OF STANDING COMMITTEE**

**HCR 3060: Government and Veterans Affairs Committee (Rep. Kasper, Chairman)**  
recommends **DO NOT PASS** (10 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING).  
HCR 3060 was placed on the Eleventh order on the calendar.

**2015 TESTIMONY**

**HCR 3060**

15.3122.02001  
Title.

Prepared by the Legislative Council staff for  
Representative Mock  
March 11, 2015

#1 3060  
3-12-15

PROPOSED AMENDMENTS TO HOUSE CONCURRENT RESOLUTION NO. 3060

Page 1, line 5, replace the first "and" with a comma

Page 1, line 5, after "candidates" insert ", and lobbyists"

Page 1, line 14, remove "1."

Page 1, line 15, remove "consisting of five members, one of whom must be appointed by the"

Page 1, remove lines 16 through 23

Page 1, line 24, remove "authority to recommend legislation relating to its authority"

Page 1, line 25, replace the second "and" with an underscored comma

Page 2, line 1, remove "which must include statutory authority to examine campaign"

Page 2, line 2, replace "conduct, campaign finance, and lobbying activities and laws" with "candidates for legislative or statewide office, and lobbyists"

Page 2, line 3, remove the second "and"

Page 2, line 4, after "office" insert ", and lobbyists"

Page 2, line 4, after the underscored semicolon insert "and"

Page 2, line 6, remove "; subpoena documents and witnesses to testify under oath; and hire or"

Page 2, line 7, remove "access nonpartisan staff services"

Renumber accordingly

#2 3060  
3-12-15

Sixty-fourth  
Legislative Assembly  
of North Dakota

**HOUSE CONCURRENT RESOLUTION NO. 3060**

Introduced by

Representatives Mock, Beadle, Glassheim, Guggisberg, Hawken, Toman

Senators Oban, Warner

1 A concurrent resolution to create and enact a new section to article XI of the Constitution of  
2 North Dakota, relating to creation of a state ethics commission.

**STATEMENT OF INTENT**

3  
4 This measure would require the legislative assembly to establish a state ethics commission to  
5 address ethical issues related to legislators ~~and~~, statewide officials and candidates, and  
6 lobbyists.

7 **BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF NORTH DAKOTA, THE**  
8 **SENATE CONCURRING THEREIN:**

9 That the following proposed new section to article XI of the Constitution of North Dakota is  
10 agreed to and must be submitted to the qualified electors of North Dakota at the primary  
11 election to be held in 2016, in accordance with section 16 of article IV of the Constitution of  
12 North Dakota.

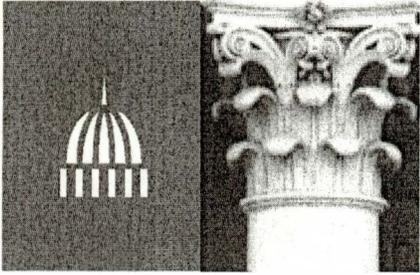
13 **SECTION 1.** A new section to article XI of the Constitution of North Dakota is created and  
14 enacted as follows:

15 ~~1. The legislative assembly shall provide by law for the creation of a state ethics~~  
16 ~~commission consisting of five members, one of whom must be appointed by the president pro~~  
17 ~~tempore of the senate, one of whom must be appointed by the speaker of the house, one of~~  
18 ~~whom must be appointed by the governor, one of whom must be appointed by the chief justice~~  
19 ~~of the supreme court, and one of whom must be a citizen member appointed by the other~~  
20 ~~members of the commission. The legislative assembly shall ensure that no more than two~~  
21 ~~members of the commission may be affiliated with the same political party and that regular~~  
22 ~~four year terms of members are established so not more than two terms expire in any year.~~

23 ~~2. An ethics commission created by the legislative assembly must be granted the~~  
24 ~~authority to recommend legislation relating to its authority to address issues~~  
25 ~~concerning the conduct of statewide elected and appointed officers and, members of~~

1           the legislative assembly, ~~which must include statutory authority to examine campaign~~  
2           ~~conduct, campaign finance, and lobbying activities and laws~~candidates for legislative  
3           or statewide office, and lobbyists; initiate investigations of legislators, statewide  
4           elected and appointed officers, ~~and~~ candidates for legislative or statewide office, ~~and~~  
5           lobbyists; and investigate and impose civil penalties for violations of campaign conduct  
6           and campaign finance laws, lobbying laws, and violations of other ethical standards;  
7           ~~subpoena documents and witnesses to testify under oath; and hire or access~~  
8           ~~nonpartisan staff services.~~

#3 3060  
3-12-15



National Conference of State Legislatures

# LEGISBRIEF

BRIEFING PAPERS ON THE IMPORTANT ISSUES OF THE DAY

MARCH 2008

VOL. 16, No. 15

## Ethics Committees: Internal Oversight of Ethics Laws

By Peggy Kerns and Luke Martel

*Legislatures establish oversight to ensure respect for ethics laws.*

*"When an ethics violation occurs, we ... must act quickly..."*

*Forty states have some form of ethics committee.*

"The restoration of public trust is one of the objectives of ethics reform practically everywhere," says Alan Rosenthal, professor of public policy at Rutgers University. In response to this growing concern, state legislators are passing stricter ethics laws for themselves and lobbyists. To ensure that these laws are respected, legislatures establish ethics committees, ethics commissions or a combination of both to provide oversight.

**Ethics Committees.** The challenge facing legislative ethics committees is to solidify their credibility with the public. Because lawmakers deal with issues of public trust, legislative committees that review ethics violations face a higher level of public scrutiny. "We must hold ourselves to a high standard of behavior. For the public's sake, when a violation occurs, we, as a body must act quickly, fairly and responsibly," says Hawaii Representative Kirk Caldwell.

**Three Approaches.** Forty states have some kind of legislative ethics committee. Fifteen states have standing ethics committees in both chambers, which mean they operate with the same status as a committee that deals with public policy issues such as education or transportation. Chambers in three other states—the Alabama Senate, the Hawaii House and the Wisconsin House—have standing ethics committees.



The legislature has the power to create an ad hoc committee, if needed, in seven states and three chambers. These committees meet only if a violation of an ethics law or rule occurs or if a complaint is filed by another member or a member of the public.

The third approach—used in 10 states—is a joint legislative ethics committee. New Mexico has both individual chamber committees and a joint committee.

National Conference of State Legislatures

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**Other Oversight.** Thirty-four states have ethics commissions with jurisdiction over legislators. Of these states, 21 also have a legislative ethics committee in one or both chambers or a joint committee. Four other states use various approaches. In the Michigan Senate, complaints against senators are referred to the Committee on Government Operations and Reform. In Wyoming, the Legislative Service Office helps legislators review the Ethics and Disclosure Act for guidance. Legislators also can seek resolution from the Attorney General's office. North Dakota has joint rules that contain a legislative ethics policy. In Vermont, both houses have conflict of interest laws. If there is a conflict of interest, it is handled by each house separately.

**Membership.** Most state ethics committees are composed only of legislators. Public members are included in five states and one chamber. Alaska's Select Committee on Legislative Ethics divides into House and Senate subcommittees to consider most complaints. The five public members of the committee serve on both subcommittees, along with two legislators from the respective chamber, making the balance 5-2 with public members in the majority. Dennis "Skip" Cook, committee chair in 2007, says, "Alaska is a large state and many of our population do not have direct access to Juneau, our state capitol, and to their state legislator. Citizen members are important because they provide a balance between the operational needs of the legislators and the input protections of the citizens."

*Most ethics committees are composed only of legislators.*

**Jurisdiction.** In addition to legislators, some committees have jurisdiction over lobbyists, legislative employees and other public officials. Ohio's Joint Legislative Ethics Committee has jurisdiction over the General Assembly and legislative employees. The committee also handles lobbying laws and financial disclosure.

**Complaints: Process and Penalties.** States have a formal process for handling ethics complaints. In Arizona, the chair of the Senate or House ethics committee, after evaluating the complaint, can proceed with an investigation or dismiss the charges. If a formal hearing ensues, the committee can issue an advisory opinion or recommendations. In some states, the committee issues informal reprimands without involvement of the entire legislative chamber. In most states, the decision to impose the most serious punishments—including suspension and expulsion—can be imposed only by the full legislative chamber.

*States have a formal process for handling ethics complaints.*

**Confidentiality.** Ethics committees generally handle the confidentiality of complaints in three ways: when the complaint is filed, when an investigation is initiated, or when a punishment is recommended. Under rules for Hawaii's newly created House Select Committee on Standards of Conduct, a complaint is made public only if the committee decides that a full investigation is required. Lawmakers say privacy is needed to guard against false reporting of claims. In Minnesota, no complaints can be filed during the biennium campaign period.

**Other Duties.** Training is a major function of some ethics committees, including those in Alaska, California and Pennsylvania. In North Carolina, the Joint Legislative Ethics Committee is charged with preparing a list of ethical principles and guidelines that identifies potential conflicts of interest and prohibited behavior.

**Resources**

Norman-Eady, Sandra, and Kristin Sullivan. *Legislative Ethics Committees*. Hartford: Office of Legislative Research, Connecticut General Assembly, Dec. 19, 2007.  
Rosenthal, Alan. *Drawing the Line*. Lincoln, Neb., and London, England: University of Nebraska Press, Twentieth Century Fund Book, 1996.

**Contact for More Information**

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STATE ETHICS COMMISSIONS: JURISDICTION

NAVIGATE

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Updated November 2013

State ethics commissions are responsible for enforcing ethics laws, although their jurisdictions vary among the states. Jurisdictions can include legislators, executive branch officials, candidates, local officials, lobbyists and vendors. The commissions may have jurisdiction over officials and employees in more than one branch of government. This chart describes the various jurisdictions of ethics commissions.

'X' indicates that the commission has the specified authority

AL | AK | AZ | AR | CA | CO | CT | DE | FL | GA | HI | ID | IL | IN | IA | KS | KY | LA | ME | MD | MA | MI | MN | MS | MO | MT | NE | NV | NH | NJ | NM | NY | NC | ND | OH | OK | OR | PA | RI | SC | SD | TN | TX | UT | VT | VA | WA | WV | WI | WY | Total :

State Commission	Legislators	Executive Branch	Candidates	Local Officials (Other than campaign issues)	Lobbyists	Vendors
Alabama Ethics Commission AL Code. §36-25-1 et seq.	X	X	X	X	X	
Alaska Legislative Ethics Committee AK Rev. Stat. §24.60.010 et seq.	X					
Alaska Public Offices Commission AK Rev. Stat. §15.13.020 et seq.	X (Commission can investigate, but matters are adjudicated by the ethics committee.)	X	X	X	X	
Arizona	No ethics commission					
Arkansas Ethics Commission AR Code §7-6-217 et seq.	X	X	X	X	X	
California Fair Political Practices Commission CA Code §83100-83124	X	X	X	X	X	
Colorado Independent	X	X		X		X

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P. 4

State Commission	Legislators	Executive Branch	Candidates	Local Officials (Other than campaign issues)	Lobbyists	Vendors
Ethics Commission CO Constitution Art. XXIX				(home rule counties and cities with ethics codes excluded)	(along with the Secretary of State)	
Connecticut Ethics Commission Regulations of CT State Agencies §1-92-2 et seq.	X	X			X	
Delaware State Public Integrity Commission 29 DE Code Ch. 58	X (Financial disclosure only, not code of conduct.)	X	X	X	X	
Florida Commission on Ethics FL Constitution Art. II §8(f); FL Rev. Stat. §34-5.0025	X	X	X	X	X (Full authority over executive lobbyists. Authority over legislative lobbyists regarding gifts only. They register with legislature.)	
Georgia Government Transparency and Campaign Finance Commission GA Ann. Code §189-1-.01 et seq.	X	X	X	X	X	X
Hawaii State Ethics Commission HI Rev. Stat. § 84-2	X	X	X		X	
Idaho	No ethics commission					
Illinois Legislative Ethics Commission 5 ILCS 430/25 -15 et seq.	X					
Illinois Executive Ethics Commission 2 IL Admin. Code 1620 5 ILCS 430/20-15 et seq.		X				
		X				X

RS

State Commission	Legislators	Executive Branch	Candidates	Local Officials (Other than campaign issues)	Lobbyists	Vendors
Office of the Indiana Inspector General and Indiana Ethics Commission  IN. Code § 4-2-7-1; IN. Code § 4-2-6-2.5; 40 IAC 2-1 et. seq.						
Indiana Lobby Registration Commission  IN Code § 2-7-1.6-1 et seq. ; IN Code § 2-7-1-8	X		X		X	
Iowa Ethics & Campaign Disclosure Board  IA. Code §68B.31 (4)(d); 68B.31(5)	(Legislators file financial disclosure statements with the board, but it has no other authority over them.)	X	X		X  (Executive branch lobbyists only)	
Kansas Governmental Ethics Commission  KS Stat. Ann. § 46-221;46-253 et seq.	X	X	X		X  (Has authority, but registration and forms are filed with the Secretary of State)	
Kentucky Legislative Ethics Commission  KY Rev. Stat. § 6.601-6.849	X		X		X  (Legislative lobbyists)	
Kentucky Executive Ethics Commission  KY Rev. Stat. § 11A.060;11A.010		X	X		X  (Executive branch lobbyists)	
Louisiana Board of Ethics  RSA 42:1132	X	X	X	X	X	X
Maine Commission on Governmental Ethics and Election Practices  ME Rev. Stat. 25 § 1008; 1012; 1013	X  (Commission can investigate, but matters are adjudicated by the ethics committees)		X		X	
	X	X			X	(No authority, but the commission

50 State Chart: State Ethics Commissions: Jurisdiction

P. 6

State Commission	Legislators	Executive Branch	Candidates	Local Officials (Other than campaign issues)	Lobbyists	Vendors
<u>Maryland</u> State Ethics Commission  MD Code Ann. State Gov't § 15-102; 15-103; 15-205	(Financial disclosure only. Ethics Committee handles conflicts of interest)					must annually compile a list of all entities doing business with the state)
<u>Massachusetts</u> State Ethics Commission  MA Gen. Laws § 268B(1); 268B(3)	X	X		X	X	X
<u>Michigan</u> State Board of Ethics  MI Rev. Stat. §15.341; § 15.345		X (Only state employees and appointed officials. Board has no authority over elected officials.)				
<u>Minnesota</u> Campaign Finance and Public Disclosure Board  MN Rev. Stat. § 10A.01; 10A.02	X	X	X		X	
<u>Mississippi</u> Ethics Commission  MS Code Ann. §25-4-3; 25-4-17	X	X		X		
<u>Missouri</u> Ethics Commission  MO Rev. Stat. §105.955	X	X	X	X	X	
<u>Montana</u> Commissioner of Political Practices  MT Code Ann. § 13-37-101; 13-37-111	X (Unless the complaint involves a legislative act)	X	X	X	X	
<u>Nebraska</u> Accountability and Disclosure Commission  NE Rev. Stat. § 49-1401 et seq.	X	X	X	X	X	
<u>Nevada</u> Commission on Ethics  NV Rev. Stat. § 281A.200; 281A.280	X (Per state supreme court case, only in situations that are	X		X		

P. 7

State Commission	Legislators	Executive Branch	Candidates	Local Officials (Other than campaign issues)	Lobbyists	Vendors
	unrelated to legislative activity)					
New Hampshire Legislative Ethics Committee N.H. Rev. Stat. Ann. § 14-B:2	X  (and legislative employees)	X				
New Jersey Commission of Investigation NJSA 52:9M-1 et seq.	X	X				X
New Jersey Election Law Enforcement Commission NJAC 19:25-1.7 et seq.	X	X	X	X	X	X
New Jersey State Ethics Commission NJAC 19:61-2.1		X				
New Mexico	No ethics commission					
New York Joint Commission on Public Ethics Executive Law § 94		X			x	
New York State Legislative Ethics Commission Legislative Law § 80	X					
North Carolina State Ethics Commission 30 NCAC 01.0101; NC Gen. Stat. § 138A-3 et seq.	(legislators "invited" to participate)	X				
North Dakota	No ethics commission					
Ohio Ethics Commission OH Rev. Code §102.01;102.06		X		X		X
Oklahoma Ethics Commission	X	X	X			

50 State Chart: State Ethics Commissions: Jurisdiction

P.8

State Commission	Legislators	Executive Branch	Candidates	Local Officials (Other than campaign issues)	Lobbyists	Vendors
OK Constitution Art. XXIX						
<u>Oregon</u> Government Ethics Commission  OR Rev. Stat. § 171.725; 244.50; 244.90	X	X	X	X	X	
<u>Pennsylvania</u> State Ethics Commission  65 PA Stat. Ann. § 1106 et. seq.	X	X	X	X	X	
<u>Rhode Island</u> Ethics Commission  RI Gen. Laws §36-14-8	X	X	X	X		
<u>South Carolina</u> Ethics Commission  SC Code § 8-13-100.; § 8-13-310		X	X		X	
<u>South Dakota</u>  No ethics commission						
<u>Tennessee</u> Bureau of Ethics and Campaign Finance  TN Code Ann. § 3-6-105	X	X	X		X	
<u>Texas</u> Ethics Commission  TX Gov't Code § 571 et seq.	X	X	X	X	X	X
<u>Utah</u> Independent Legislative Ethics Commission  JR 6-2-202	X					
<u>Vermont</u>  No ethics commission						
<u>Virginia</u>  No ethics commission						
<u>Washington</u> State Legislative Ethics Board  RCW 42.52.320	X					
		X				

P. 9

State Commission	Legislators	Executive Branch	Candidates	Local Officials (Other than campaign issues)	Lobbyists	Vendors
Washington State Executive Ethics Board RCW 42.52.360						
Washington Public Disclosure Commission RCW 42.17A.105 et seq.	X (Legislators file financial disclosures here, but the Legislative Ethics Board enforces the ethics codes.)	X	X	X	X	
West Virginia Ethics Commission WV Code § 6B-2-2 et seq.	X	X		X	X	
Wisconsin Government Accountability Board WI Rev. Stat. § 5.05 et seq.	X	X	X		X	
Wyoming	No ethics commission					
<u>Totals</u>	39 commissions in 35 states	42 commissions in 40 states	29 commissions in 28 states	23 commissions in 23 states	32 commissions in 30 states	9 commissions in 9 states

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P. 10

# BUSINESS INSIDER

## RANKED: The Most Corrupt States



ROB WILE

SEP. 9, 2013, 9:04 PM

This weekend, the New York Times' Nick Madigan called Florida a "hothouse of corruption," reporting the Sunshine State saw the greatest number of people convicted of public corruption between 2000 and 2010.

That's technically true. But it's not the full story.

To get a true sense of the most corrupt state, we need to know how many convictions there have been on a population basis.

So we went back to Justice Department data cited by Madigan, to see which states saw the greatest number of convictions per 100,000 (Madigan actually appears to cite slightly outdated data; the latest covers the period between 2002 and 2011).

No. 1?

Louisiana, with nearly 9 convictions per 100,000 people.

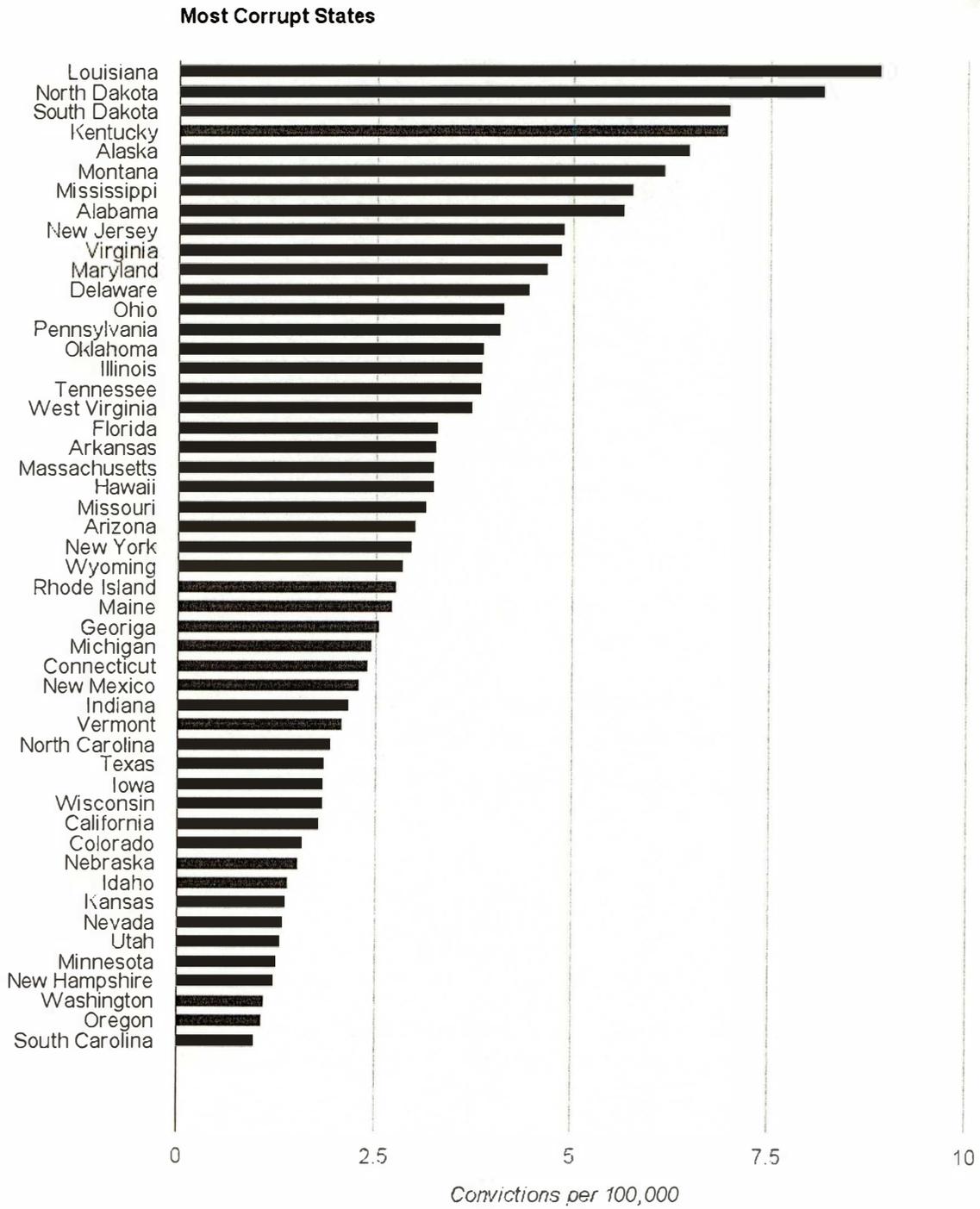
The Dakotas are runners up.

The states with the fewest conviction rates were South Carolina, Oregon, Washington, New Hampshire, Minnesota and Utah, each with no more than 1.3 convictions per 100,000.

And Florida? Only the 20th-most corrupt, with 3.28 convictions per 100,000 — basically, just a bit above average.

Here's the full chart:

RU



Justice Department

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[Home](#) > Grading the nation: How accountable is your state?

## **Grading the nation: How accountable is your state?** <sup>[1]</sup>

By **Caitlin Ginley** <sup>[2]</sup>

**March 19, 2012**

The tales are sadly familiar to even the most casual observer of state politics.

In [Georgia](#) <sup>[3]</sup>, more than 650 government employees accepted gifts from vendors doing business with the state in 2007 and 2008, clearly violating state ethics law. The last time the state issued a penalty on a vendor was 1999.

A [North Carolina](#) <sup>[4]</sup> legislator sponsored and voted on a bill to loosen regulations on billboard construction, even though he co-owned five billboards in the state. When the ethics commission reviewed the case, it found no conflict; after all, the panel reasoned, the legislation would benefit all billboard owners in the state — not just the lawmaker who pushed for the bill.

[Tennessee](#) <sup>[5]</sup> established its ethics commission six years ago, but has yet to issue a single ethics penalty. It's almost impossible to know whether the oversight is effectively working, because complaints are not made available to the public.

A [West Virginia](#) <sup>[6]</sup> governor borrowed a car from his local dealership to take it for a “test drive.” He kept the car for four years, during which the dealership won millions in state contracts.

When representatives of a biotech company took [Montana](#) <sup>[7]</sup> legislators out to dinner, they neither registered as lobbyists nor reported the fact that they picked up the bill. They didn't have to — the law only requires registration upon spending \$2,400 during a legislative session. And in [Maine](#) <sup>[8]</sup>, one state senator did not disclose \$98 million in state contracts that went to an organization for which he served as executive director. The lack of disclosure was not an oversight; due to a loophole in state law, he was under no obligation to do so.

The stories go on and on. Open records laws with hundreds of exemptions. Crucial budgeting decisions made behind closed doors by a handful of power brokers. “Citizen” lawmakers voting on bills that would benefit them directly. Scores of legislators turning into lobbyists seemingly overnight. Disclosure laws without much disclosure. Ethics panels that haven't met in years.

State officials make lofty promises when it comes to ethics in government. They tout the transparency of legislative processes, accessibility of records, and the openness of public meetings. But these efforts often fall short of providing any real transparency or legitimate hope of rooting out corruption.

That's the depressing bottom line that emerges from the [State Integrity Investigation](#) <sup>[9]</sup>, a first-of-its-kind, data-driven assessment of transparency, accountability and anti-corruption mechanisms in all 50 states. Not a single state — not one — earned an A grade from the months-long probe. Only five states earned a B grade: [New Jersey](#) <sup>[10]</sup>, [Connecticut](#) <sup>[11]</sup>, [Washington](#) <sup>[12]</sup>, [California](#) <sup>[13]</sup> and [Nebraska](#) <sup>[14]</sup>. Nineteen states

got C's and 18 received D's. Eight states earned failing grades of 59 or below from the project, which is a collaboration of the Center for Public Integrity, [Global Integrity](#) [15] and [Public Radio International](#) [16].

The F's went to [Michigan](#) [17], [North Dakota](#) [18], [South Carolina](#) [19], Maine, [Virginia](#) [20], [Wyoming](#) [21], [South Dakota](#) [22] and Georgia.

What's behind the dismal grades? Across the board, state ethics, open records and disclosure laws lack one key feature: teeth.

"It's a terrible problem," said Tim Potts, executive director of the nonprofit advocacy group [Democracy Rising PA](#) [23], which works to inspire citizen trust in government. "A good law isn't worth anything if it's not enforced."

Some of the results of the State Integrity Investigation seem more than a little counterintuitive. New Jersey emerges at the top of the pack, a seemingly stunning ranking for a state with a reputation for dirty politics. And there are other surprises: [Illinois](#) [24], hardly a beacon of clean governmental in recent years, comes in at a respectable number 10. [Louisiana](#) [25] ranks 15th.

Many of the states at the bottom of the rankings, meanwhile, are sparsely-populated Western or Plains states like [Idaho](#) [26] (40th), Wyoming (48th) and the Dakotas (North Dakota is number 43 and South Dakota comes in at 49). There, libertarianism roots, a small-town, neighborly approach to government and the honest belief that "everybody knows everybody" has overridden any perceived need for strong protections in law.

Peggy Kerns, director of the Center for Ethics in Government at the [National Conference of State Legislatures](#) [27], noted that ethics laws are shaped by the environment and culture of the state. "In smaller states, the culture is different," she said. "It is harder to disobey the law and go against your own moral core if everyone knows you."

And statehouses with a history of political corruption and scandal — like New Jersey, Illinois, and Louisiana — have been more likely in recent years to successfully implement reform.

"Legislators will react to a corruption scandal, and work to get political cover by enacting reform," said Karen Hobert Flynn, vice president for state operations at the nonprofit advocacy group Common Cause.

That's apparently the case in New Jersey, where a series of scandals helped bring about some of the strongest ethics laws in the country. According to the State Integrity Investigation, New Jersey's strong points are clear: extensive financial disclosure requirements for the governor, a transparently-run pension fund, and an aggressive ethics enforcement agency. The state also boasts some of the nation's toughest anti-pay-to-play laws for contractors.

Louisiana Governor Bobby Jindal, in an attempt to shed the state of its scandalous political history, enacted sweeping ethics reform legislation as one of his first acts in office back in 2008. Among the new laws: financial disclosure requirements for nearly every public official and caps on how much lobbyists can spend on meals and drinks.

States have taken the initiative on other fronts as well. Connecticut implemented a public financing system for elections. [Alabama](#) [28] granted subpoena power to its state ethics commission. South Dakota unveiled an online database for campaign finance records. [Florida](#) [29] bans all gifts from lobbyists to lawmakers. Citizens in Washington have easy online access to government records and data, including the final map on the state's Redistricting Commission [website](#) [30] (which also lists past meeting minutes, draft plans, and public commentary).

But advocates note that substantial reform efforts are more often the exception rather than the rule. And typically, even new laws often fall short of their goals. Hobert Flynn said she is often "disappointed by how far-reaching the reforms are, how the reforms are implemented, and how they are enforced."

Page 1 of 1  
P. 14

**The New York Times**

<http://nyti.ms/1wvmRA6>



U.S.

## In North Dakota, a Tale of Oil, Corruption and Death

By DEBORAH SONTAG and BRENT McDONALD DEC. 28, 2014

FORT BERTHOLD INDIAN RESERVATION, N.D. — Tex G. Hall, the three-term tribal chairman on this remote, once impoverished reservation, was the very picture of confidence as he strode to the lectern at his third Annual Bakken Oil and Gas Expo and gazed out over a stuffed, backlit mountain lion.

Tall and imposing beneath his black cowboy hat, he faced an audience of political and industry leaders lured from far and wide to the “Texpo,” as some here called it. It was late April at the 4 Bears Casino, and the outsiders endorsed his strong advocacy for oil development and the way he framed it as mutually beneficial for the industry and the reservation: “sovereignty by the barrel.”

“M.H.A. Nation is No. 1 for tribal oil produced on American soil in the United States right now currently today,” Mr. Hall proudly declared, referring to the Mandan, Hidatsa and Arikara Nation.

But, in a hall decorated with rigs and tepees, a dice throw from the slot machines, Mr. Hall’s self-assurance belied the fact that his grip on power was slipping. After six years of dizzyingly rapid oil development, anxiety about the environmental and social costs of the boom, as well as about tribal mismanagement and oil-related corruption, had burst to the surface.

By that point, there were two murder cases — one person dead in Spokane, Wash., the other missing but presumed dead in North Dakota — tied to oil business on the reservation. And Mr. Hall, a once-seemingly untouchable leader, was under investigation by his tribal council because of his connections to an Oregon man who would later be charged with murder for hire in the two deaths.

In 2012, the man, James Henrikson, 35, who had five felony convictions in his past, operated a trucking company called Blackstone out of the tribal chairman’s garage. Blackstone worked primarily for the chairman’s own private oil field

company, enjoying privileged access to business on the reservation as his subcontractor.

Blackstone also worked directly for the tribal government, earning \$570,000 for a job watering road dust that was never put out to bid. Mr. Hall voted to approve the payment, but because he did not think he had any conflict of interest, he said, he never disclosed his business relationship to the company.

The relationship was personal, too: Mr. Henrikson and his wife vacationed in Hawaii with the tribal chairman and his family. Mr. Henrikson had an extramarital affair with, and impregnated, the now 21-year-old daughter of the chairman's longtime girlfriend; Mr. Hall considers the baby his grandson.

In an interview last week, Mr. Hall said Mr. Henrikson was a "professional con" who had cemented their business deal when Mr. Hall was ill and distracted, bringing flowers and a contract to his hospital room to be signed. "I got ripped off and taken advantage of," he said. "The people didn't really know that when the news first broke."

In January, Mr. Hall's link to Mr. Henrikson, Mr. Henrikson's link to the murder case in Spokane, and the murder's link to the reservation were revealed after the alleged hit man was arrested. The revelations jolted Fort Berthold into a tumultuous year of questioning and change.

"That murder was the last straw," said Marilyn Hudson, 78, a tribal elder and historian. "Now you have a murder, a hit man, and a five-time convicted felon operating as an oil contractor working directly with the chairman. It's like our reservation got hijacked by the plot of a bad movie."

On the reservation, where identity is deeply connected to the land, conservationists have been more vocal than elsewhere in North Dakota, and they have denounced their leadership's oversight of the oil industry for mirroring the state's pro-business posture.

"The mentality comes from the state: less regulation, more profit," said Joletta Birdbear, a former postmaster. "They're only concerned about the immediate dollars and not about the long-term costs to our land and the future generations of our people."

But if critics of North Dakota's elected officials viewed them as too close to the oil industry, critics here had more pointed concerns. Their leader was part of the

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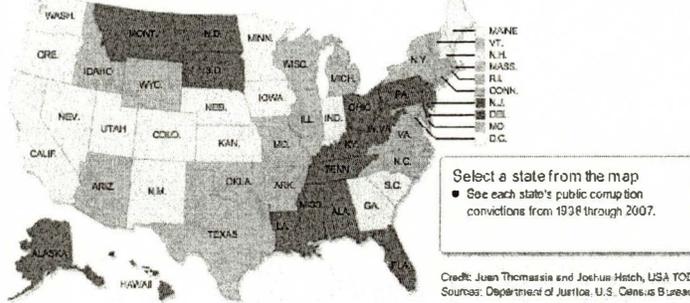


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## State corruption

Illinois is far from the nation's most corrupt state, based on the rate of public corruption convictions per 100,000 residents from 1998 through 2007 and population estimates from 2007.



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## North Dakota tops analysis of corruption

By John Fritze, USA TODAY



Enlarge USA TODAY file photo

A statue of "Honest John" Burke, governor from 1907 to 1913, stands in front of the North Dakota's state capitol building in Bismarck. North Dakota had the highest rate of public corruption convictions won by federal prosecutors from 1998 through 2007.

WASHINGTON — Its largest city is legendary for machine-style politics and its elected leaders have been under investigation for years, but by one measure, Illinois is not even close to the nation's most-corrupt state.

North Dakota, it turns out, may hold that distinction instead.

Federal authorities arrested Illinois Gov. Rod Blagojevich Tuesday after a wiretap allegedly recorded him scheming to make money on his appointment to fill the U.S. Senate seat left vacant by President-elect Barack Obama. Blagojevich, a Democrat, ran for election in part on cleaning up after his predecessor, Republican George Ryan, who was convicted in 2006 of racketeering, bribery and extortion.

IN ILLINOIS: Obama 'appalled and disappointed' by Blagojevich arrest

"If it isn't the most corrupt state in the United States it's certainly one hell of a competitor," Robert Grant, head of the FBI's Chicago office, said Tuesday.

On a per-capita basis, however, Illinois ranks 18th for the number of public corruption convictions the federal government has won from 1998 through 2007, according to a USA TODAY analysis of Department of Justice statistics.

**BLAGOJEVICH SCANDAL:** News is a recycled blot on Chicagoans' pride

Louisiana, Alaska and North Dakota all fared worse than the Land of Lincoln in that analysis.

Alaska narrowly ousted Republican Sen. Ted Stevens in the election in November after he was convicted of not reporting gifts from wealthy friends. In Louisiana, Democratic Rep. William Jefferson was indicted in 2007 on racketeering and bribery charges after the FBI said it found \$90,000 in marked bills in his freezer. Jefferson, who has maintained his innocence and will soon go to trial, lost his seat to a Republican this year.

But North Dakota?

Don Morrison, executive director of the non-partisan North Dakota Center for the Public Good, said it may be that North Dakotans are better at rooting out corruption when it occurs.

"Being a sparsely populated state, people know each other," he said. "We know our elected officials and so certainly to do what the governor of Illinois did is much more difficult here."

Morrison said the state has encouraged bad government practices in some cases by weakening disclosure laws. North Dakota does not require legislative or statewide candidates to disclose their campaign expenses.

P. 17

The analysis does not include corruption cases handled by state law enforcement and it considers only convictions. Corruption may run more rampant in some states but go undetected.

Michael Johnston is a political science professor at Colgate University in New York — which is ranked just after Illinois for corruption convictions. Johnston, who has studied political corruption for 30 years, said places such as Illinois gain a bad reputation that becomes a self-fulfilling prophecy.

"Expectations build up ... and you replicate those expectations when you get to the top of the ladder," Johnston said. "It gets repeated."



Posted 12/10/2008 8:17 PM

E-mail |

Updated 12/11/2008 1:36 PM

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# Virginia ex-governor gets two years in prison for corruption

BY GARY ROBERTSON

RICHMOND, Va. Tue Jan 6, 2015 5:32pm EST

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1 OF 4. Former Virginia Governor Robert McDonnell is surrounded by members of the media after his sentencing hearing in Richmond, Virginia January 6, 2015.

CREDIT: REUTERS/JAY WESTCOTT

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Ex-Virginia governor sentenced to two years in prison for corruption

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(Reuters) - Former Virginia Governor Robert McDonnell was sentenced on Tuesday to two years in federal prison and two years of probation for taking a bribe from a businessman seeking to promote a dietary supplement.

McDonnell, the first Virginia governor to be convicted of bribery, received a shorter sentence than that sought by prosecutors for accepting sweetheart loans and lavish gifts from entrepreneur Jonnie Williams.

McDonnell, once a rising star in the Republican Party, was convicted in September along with his estranged wife, Maureen, after a five-week trial that laid bare rifts in their marriage and marred Virginia's reputation for clean government. McDonnell left office in January 2014.

"No one wants to see the governor of Virginia in this kind of trouble," U.S. District Judge James Spencer said before imposing sentence in a packed courtroom. "It breaks my heart, but a meaningful sentence must be imposed."

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### PHOTOS OF THE DAY

2014  
P. 19

McDonnell, 60, was ordered to report to prison on Feb. 9. Defense attorneys asked that he be sent to a facility in Petersburg, Virginia, so he could be close to his family.

McDonnell appealed to Spencer for mercy, saying: "I've admitted I am a sinner with many, many failures." After sentencing, McDonnell told reporters the conviction would be appealed.

Spencer cited McDonnell's military record and numerous letters he had received on his behalf in imposing the sentence. Eleven character witnesses testified for McDonnell, including former Democratic Governor L. Douglas Wilder.

Prosecutors had sought a 10- to 12-year prison term under advisory federal sentencing guidelines. McDonnell's lawyers had sought a community service sentence instead of prison time.

Dana Boente, the U.S. attorney for the Eastern District of Virginia, said in a statement the sentence would help restore the integrity of the governor's office while affirming the commitment to prosecute officials who commit crimes.

A jury found McDonnell guilty of 11 charges of public corruption in September. He and his wife were charged with receiving \$177,000 in loans and gifts from Williams, the chief executive of Star Scientific Inc, in exchange for promoting his company's main product, the anti-inflammatory Anatabloc.

Gifts included a \$6,500 Rolex watch, wedding and engagement presents, money for McDonnell's daughters, and golf outings and equipment.

Williams, who was granted immunity in exchange for testifying for the prosecution, provided a \$50,000 loan and a \$15,000 "gift" to cover wedding expenses for McDonnell's daughter. He also gave a \$70,000 loan to a corporation that the governor and his sister used to manage beach properties.

Maureen McDonnell, 60, was convicted of nine counts, but Spencer dismissed the obstruction of justice charge last month. She is scheduled to be sentenced on Feb. 20.

After the trial, state lawmakers and Democratic Governor Terry McAuliffe moved to tighten ethics rules in a bid to restore Virginia's reputation.

"As we put this period behind us, I look forward to working with Virginia leaders on both sides of the aisle to restore public trust in our government," McAuliffe said in a statement.

(Reporting by Gary Robertson; Writing by Ian Simpson in Washington; Editing by Bill Trott, Will Dunham, Sandra Maler and Peter Cooney)

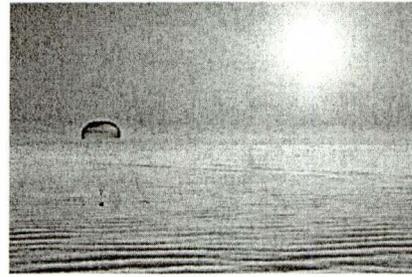
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#4 3060  
3-13-15

Good morning Chairman Kasper & members of the House GVA Committee!

For the record, my name is Carel Two-Eagle. I bring you my testimony on HCR 3060, the bill to create an ethics committee - & I trust - ethics rules, for all elected officials & state employees in North Dakota. The events I will relate to you are all events which have happened to me and I assure you they are true.

I have been coming to the ND Legislative sessions since 1997, with the exception of 2007. I come here because of guidance I received from the Spirits when I was on my obaghi - my sacred commitment to Sun Dance, which is where we Traditional Lakota learn to properly Keep & use the Ch'annunpa, the holy Pipe we pray with. I did hanblecheya - so-called "vision quest" - to ask the Spirits if they would guide me as to how to manifest my obaghi after I finished the 4 years of it. Their answer was unmistakable - I saw the ND State Capitol building and grounds.

Over the 9 Legislative Sessions I have attended, I have been told such things as:

I need to learn my place. (My response is the same as it was when I first heard such drivel, at the age of 6 - "I already know my place. It is wherever I can get to without stepping on others. Which is why people like me make people like you so nervous.")

More than one Committee Chair has said in Committee: (1) "We only want to hear from official Indians". None of us in the Indn community has ever been able to figure out what an "official Indian" is, & no legislator has ever been able to tell us.

I have also been told, (2) "No one on this Committee wants to hear anything you have to say." (In 2005 when the Indn Nations of ND hired an Indian for their lobbyist, he took issue with one Committee Chair who made such remarks & told him, "Carel Two-Eagle is well-spoken; she dresses well - silk, today; and if the Committee won't hear what she has to say, it won't hear what I - the official lobbyist for the Tribes - has to say. And that is official." That Committee Chair backed down & said he would "allow" me to testify. I note - he has no choice; to not "allow" me to testify would be to violate my Constitutional Right - not privilege - to be heard. I would have filed federal suit against the State of ND & won it easily, if he had tried further to violate my Rights. I knew it then as well as now.

I have been told by several legislators that I, personally, "am not welcome at the ND Legislative Sessions". In one case, while 2 of them were standing under a huge banner in the House Chamber, on Inauguration Day. That banner read, "Welcome, North Dakota citizens! / To Your North Dakota Citizen Legislature!" I pointed out the banner, laughed at the 2 legislators, and that banner has not been seen since.

One (former) legislator tried to "order" me to do no business in North Dakota. I laughed so hard my eyes teared.

That (former) legislator also said to me, “How have you survived so long? We blacklisted you across the state! We control everything! You shouldn’t even be able to get a job cleaning toilets.” (My response was, “You don’t control everything and you never did. I hung out my shingle, and if you will forgive a really bad pun, I cleaned a shitload of toilets. My elders raised me with the teaching that decent legal work is never below a person of dignity and quality.” Then I turned my back on him & walked away laughing at his stupidity.”)

I have been described by one very high state official as “She’s nothing, she’s nobody, she has no money, no votes, no power”. I Walk With a Ch’annunpa, members of the Committee. I may have “no money”; and vote trading is illegal last I heard – except maybe in ND, where there may be no rules about it; but I have Holy Power, which is far stronger than any temporal political power. And if I didn’t have impact, I would not have been the recipient of such shabby treatment by elected officials - & the occasional state employee here.

I have been told by state workers that they have been “ordered” not to be too friendly with me or they will be fired. That is unconscionable.

I have been snubbed by a former governor – until other Republicans (legislators) made him apologize to me. The first time he apologized, when he finished, he looked at the leader & asked, “How was that?” The man was stunned. Then he said, “You’re not apologizing to me! You’re apologizing to Carel! Ask her!” The then-governor said, “How could I have been so foolish?” I replied, “It appeared to be pretty easy, governor.” It did. Now he calls me “dear” when we meet.

I was gaveled – with a full-arm-length swing – in Committee once, & that Chair then stuck his big bony finger out & bellowed at me, “Stop! LEEAVE this room!” I did not budge, although 8 white people leaped up & ran out. We “discussed” the matter – in which he threatened to “pick me up & throw me out of his Committee room” - & I stayed & finished my testimony. I pointed out to him during out ‘discussion’ – in front of 26 people & an official state tape recorder, that he was attempting to violate my Constitutional Right to be heard. He backed off a hair. When he threatened to pick me up & throw me out of ‘his’ Committee Room, I dared him. I have a copy of the tape, of course. It is interesting to note that various legislators whispered (!) to me that I should go up to the Legislative Council library “immediately” & make a copy of the hearing tape, “because it is going to disappear”. I have never checked to see if the original tape still exists or not.

Other legislators offered to apologize for him “because we can’t make him back down”. I said “no; he’s an adult, supposedly, & he is elected”. If he isn’t man enough to do the right thing, it’s his problem & the responsibility rests on him, not me.”

I was told more than once by Committee Chairs that I “couldn’t” speak on more than 1 or 2 subjects, & they would tell me what those subjects were – another clear violation of my Constitutional Right to be heard. I ignored those people & kept on. I have rhino hide.

This legislation should extend to lobbyists as well, since I had the President of the ND Chamber of Commerce removed from the Capitol building by 2 state troopers for threatening me with mayhem on year.. This was the year the group’s name changed from Greater ND Assn to ND Chamber of Commerce.

I had spoken in rebuttal against a so-called ‘gimme’ bill – one that makes some group in ND happy to have had a bill - & was apparently largely responsible for the bill’s death. The incoming President of the NDCC came to me & said in warm fuzzy tones, “Carel! You’re such a powerful speaker; especially off the cuff! But you have to learn to get the permission of your superiors in business before you express your opinions, especially when they run counter to what they want!”

I replied, “...; thank you for those strong words on my behalf! I really appreciate them! But I have to ignore you, because I Walk With a Pipe, and the Pipe is Holy, therefore I have no superiors in anything.” He changed instantly & snarled loudly at me, “All right then, we’ll burn you out! We’ll starve you out! We’ll see to it you’re never going to be a success in business in North Dakota!”

He said this as 2 state troopers were strolling past on their patrol. They immediately homed in on us & asked, “Is there a problem here, Miss Two-Eagle?” I said there was a small problem with terroristic threats. The NDCC ‘man’ snarled, “Careful, Carel, you’re digging your grave deeper.” The troopers took out their handcuffs & notepads & asked me what I wanted done.

I told them I wanted them to escort him from the building & explain to him – officers to civilian & men to man – that his way is not how we play in the sandbox up here. They agreed they could do that, but did ask, “is that all?” I said that in the Lakota Way, we give people a chance to learn, and we could always escalate if we had to.

As they were taking him away, he spun around & bellowed at me, “We’ll burn you out! We’ll starve you out! You’re never going to be a success in business in North Dakota!” The troopers grabbed him & asked, “what do you want done now?”

I told them to take him to his car, explain as before, and bar him from the building for the next 4 working days, because he had ‘big’ bills coming up. They said “Okaaay” in a doubting tone, but they did it.

As they took him away, he told them they were going to lose their jobs. Law enforcement people don't get much chance to laugh in their work – the 2 troopers guffawed. It was a delightful sound.

Then as they got to the far end of the hall, he spun around again & bellowed at me, "I mean it! So help me god, you're dead! You're dead!! You're dead in business in North Dakota! We'll burn you out! We'll starve you out! We'll see to it you'll never be a success in business in North Dakota!!"

The troopers grabbed him so hard his feet came off the floor. They asked what I wanted done now. I said, "Everything I said before, but bar him from any part of the Capitol campus for the next 7 days, and also prevent him from calling legislators by cell phone if you can, definitely by landline, no access by legislative messenger, not even US mail or by courier or carrier pigeon. If he makes another sound, you write the charges, and I will sign them." He made a funny gurgling sound, but was otherwise quiet.

The next couple of days, legislators came to me & asked if they could apologize on his behalf "because there are big bills coming up & we need to know what he wants so we will know how to vote". I told them the Chamber of Commerce does not elect them; the people of their districts do & that is where their loyalty lies. They replied, "But the Chamber pays for our campaigns, so that is where our loyalty lies."

Since no one can successfully apologize for another adult - & not for many sub-adults – I did not let them apologize for him. He has a responsible position, after all, & he is not a child. They said I was making enemies. I said I have always had enemies – we who make a positive difference always do. Water off this duck's back, and I have rhino hide. He stayed in his banishment & without access to legislators during their working hours.

None of this kind of thing should ever have happened, but it did. This is not the entirety of the events of this kind that have happened to me, including this Session, but I have already recited a long list of them & believe this is enough.

I have left out names on the advice of legislative friends and I don't see that it serves any great purpose to point out specific people automatically. If the Committee were to ask for names, I would give them. It may be enough to relate that these events occurred.

On the basis of what I have related regarding events I have been through, I most strongly recommend that you of the House Government and Veterans Affairs Committee unanimously recommend "Do Pass" on this bill, and do everything you can to get the House and Senate to pass it – preferably unanimously.

Thank you for hearing me in a good way. If you have any questions, I am always available and ready to answer them. Mitakuye oiasin – All {are} my relatives. March, 2015