

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1521

- Page 1, line 4, replace "section" with "sections"
- Page 1, line 5, remove "subsection 4 of section 16.1-08.1-02.1, sections 16.1-08.1-02.3, 16.1-08.1-02.4,"
- Page 1, line 6, replace "16.1-08.1-03.1" with "16.1-08.1-03.7"
- Page 1, line 6, remove "28-32-02,"
- Page 1, line 7, remove "28-32-14,"
- Page 1, line 8, remove "28-32-17, 28-32-18,"
- Page 1, line 9, remove "28-32-27,"
- Page 1, line 10, remove "disqualification of agency heads in quasi-judicial proceedings,"
- Page 1, line 12, after the first semicolon insert "to provide for a legislative management study;"
- Page 1, line 13, remove "to provide an expiration date;"
- Page 1, line 19, remove ""Adjusted for inflation" means adjusted on January first of each year by the change in"
- Page 1, remove lines 20 and 21
- Page 1, line 22, remove "2."
- Page 2, line 6, remove the overstrike over "~~2~~."
- Page 2, line 6, remove "3."
- Page 2, line 13, remove the overstrike over "~~3~~."
- Page 2, line 13, remove "4."
- Page 2, line 26, remove the overstrike over "~~4~~."
- Page 2, line 26, remove "5."
- Page 3, line 3, remove the overstrike over "~~5~~."
- Page 3, line 3, remove "6."
- Page 3, line 29, remove the overstrike over "~~6~~."
- Page 3, line 29, remove "7."
- Page 4, line 4, remove the overstrike over "~~7~~."
- Page 4, line 4, remove "8."
- Page 4, line 14, remove the overstrike over "~~8~~."
- Page 4, line 14, remove "9."

Page 4, line 21, remove the overstrike over "~~9~~."

Page 4, line 21, remove "10."

Page 4, line 26, remove the overstrike over "~~10~~."

Page 4, line 26, remove "11."

Page 4, line 28, remove the overstrike over "~~11~~."

Page 4, line 28, remove "12."

Page 5, line 1, remove the overstrike over "~~12~~."

Page 5, line 1, remove "13."

Page 5, line 4, remove the overstrike over "~~13~~."

Page 5, line 4, remove "14."

Page 5, line 26, remove the overstrike over "~~14~~."

Page 5, line 26, remove "15."

Page 5, line 30, remove the overstrike over "~~15~~."

Page 5, line 30, remove "16."

Page 6, line 10, remove the overstrike over "~~16~~."

Page 6, line 10, remove "17."

Page 6, line 12, remove the overstrike over "~~17~~."

Page 6, line 12, remove "18."

Page 6, line 14, replace "19." with "18."

Page 6, line 14, replace "who" with "that"

Page 6, line 15, remove ", adjusted for inflation,"

Page 6, remove lines 17 through 30

Page 7, remove lines 1 through 31

Page 8, remove lines 1 through 31

Page 9, remove lines 1 through 29

Page 10, remove lines 1 through 31

Page 11, remove lines 1 through 31

Page 12, remove lines 1 through 31

Page 13, replace lines 1 through 6 with:

"SECTION 2. AMENDMENT. Section 16.1-08.1-03.7 of the North Dakota Century Code is amended and reenacted as follows:

16.1-08.1-03.7. Political committees that organize and register according to federal law that make independent expenditures or disbursements to nonfederal candidates, political parties, and political committees.

A political committee that organizes and registers according to federal law and makes an independent expenditure or makes a disbursement in excess of two hundred dollars to a nonfederal candidate seeking public office or to a political party or political committee in this state shall file a copy of that portion of the committee's federal report detailing the independent expenditure or the disbursement made. The political committee shall file a copy of the committee's federal report, and supplementary information as necessary under this section, with the secretary of state at the time of filing the report with the applicable federal agency. The report and supplementary information must include:

1. The name, mailing address, and treasurer of the political committee;
2. The recipient's name and mailing address; ~~and~~
3. The date and amount of the independent expenditure or disbursement; and
4. The ultimate and true source of funds listed by contributor and subcontributor of any amount over two hundred dollars collected or used to make the independent expenditure or disbursement including:
 - a. The name and address of the contributor;
 - b. The total amount of the contribution; and
 - c. The date the last contribution was received."

Page 13, line 17, remove "For the first violation, the secretary of state shall assess a civil penalty of five hundred"

Page 13, replace lines 18 through 21 with "The secretary of state shall assess a civil penalty upon any person that knowingly violates this section.

- a. If the contribution used in violation of this section has a value of two thousand five hundred dollars or more, the civil penalty must be two times the value of the contribution.
- b. If the contribution used in violation of this section has a value of less than two thousand five hundred dollars, the civil penalty must be at least two times the value of the contribution and may be up to five thousand dollars.
3. The assessment of a civil penalty may be appealed to the district court of the county where the candidate resides."

Page 13, line 24, remove "- Penalty"

Page 13, line 25, remove "1."

Page 13, line 25, replace "report" with "statement"

Page 13, remove lines 27 through 31

Page 18, remove lines 16 through 29

Page 19, remove lines 1 through 3

Page 19, line 7, remove "commission or an"

Page 19, line 7, after the second comma insert "or the commission"

Page 20, line 13, remove ", or"

Page 20, line 14, remove "the Constitution of North Dakota is amended to eliminate the authority"

Page 22, line 14, remove "or the commission"

Page 22, line 16, remove "or commission"

Page 22, line 18, remove "or commission"

Page 23, line 2, remove "or the commission"

Page 23, line 13, remove "or commission"

Page 23, line 14, remove "or commission"

Page 23, line 16, remove "or commission"

Page 23, line 17, after "to" insert "the ethics commission,"

Page 23, line 18, overstrike "nor does this section apply to" and insert immediately thereafter "and"

Page 24, line 7, remove "or the commission"

Page 26, line 11, remove "enacted during the most recent session of the"

Page 26, line 12, replace "legislative assembly which" with "that"

Page 28, remove lines 17 through 31

Page 29, line 6, after "rule" insert ", if any,"

Page 30, remove lines 9 through 31

Page 31, remove lines 1 through 31

Page 32, remove lines 1 through 31

Page 33, remove lines 1 and 2

Page 34, remove lines 11 through 30

Page 35, remove lines 1 through 24

Page 37, line 17, replace "government ethics" with "transparency, corruption, elections, or lobbying"

Page 37, line 18, remove "Adjusted for inflation means adjusted on January first of each year by the change in"

Page 37, remove lines 19 and 20

Page 37, line 21, remove "3."

Page 37, line 23, replace "4." with "3."

Page 37, line 25, replace "government ethics" with "transparency, corruption, elections, or lobbying"

Page 37, line 26, replace "5." with "4."

Page 37, line 28, replace "6." with "5."

Page 37, line 29, after "recreation" insert ", except:

- a. Purely informational material;
- b. A campaign contribution; and
- c. An item, service, or thing of value given under conditions that do not raise ethical concerns, as set forth in rules adopted by the ethics commission, to advance opportunities for state residents to meet with public officials in educational and social settings in the state"

Page 37, line 30, replace "7." with "6."

Page 37, line 30, remove "final"

Page 38, line 1, replace "8." with "7."

Page 38, line 2, replace "9." with "8."

Page 38, line 3, replace "10." with "9."

Page 38, line 6, replace "11." with "10."

Page 38, line 8, replace "12." with "11."

Page 38, line 9, remove ", adjusted for inflation."

Page 38, line 12, remove ", adjusted for"

Page 38, line 13, remove "inflation."

Page 38, line 16, replace "who" with "that"

Page 38, line 16, remove "adjusted for"

Page 38, line 17, replace "inflation" with "not including the individual's own travel expenses and membership dues"

Page 38, line 18, replace "The" with "A"

Page 38, line 19, after "report" insert "under this subsection"

Page 38, line 26, remove "within forty days after the deadlines"

Page 38, line 27, remove "by which the reports must be filed"

Page 38, remove lines 28 through 31

Page 39, remove lines 1 through 15

Page 39, line 18, remove "with a value over sixty dollars per"

Page 39, line 19, remove "individual per event, adjusted for inflation."

Page 39, line 19, remove ", except to"

Page 39, remove lines 20 through 31

Page 40, remove line 1

Page 40, line 2, remove "by the ethics commission"

Page 40, line 4, remove the underscored colon

Page 40, line 5, replace "a. A" with "a"

Page 40, line 5, remove the underscored semicolon

Page 40, remove line 6

Page 40, line 7, remove "c. A campaign contribution"

Page 40, line 8, remove "For the first violation, the secretary of state shall assess a civil penalty of five hundred"

Page 40, replace lines 9 through 12 with "The secretary of state shall assess a civil penalty upon any individual who violates this section."

a. If the gift has a value of five hundred dollars or more, the civil penalty must be two times the value of the gift.

b. If the gift has a value of less than five hundred dollars, the civil penalty must be no less than two times the value of the gift and may be up to one thousand dollars."

Page 40, line 14, replace "Investigator" with "Office"

Page 40, line 19, remove "The ethics commission shall meet as necessary to address each complaint the"

Page 40, line 20, remove "commission receives."

Page 40, line 20, after "in" insert "a public hearing or"

Page 40, line 21, remove "or referral for enforcement under section 54-66-10"

Page 41, line 6, remove "Commission members shall hire or otherwise engage a part-time administrative"

Page 41, replace lines 7 through 10 with "The director of the office of management and budget shall allocate office space in the state capitol for the ethics commission, or, if office space in the capitol is unavailable, shall negotiate for, contract for, and obtain office space for the ethics commission in the city of Bismarck or in the Bismarck area. The ethics commission's office space may not be located in the office space of any other government agency, board, commission, or other governmental entity, and must provide sufficient privacy and security for the ethics commission to conduct its business. The director shall charge the ethics commission an amount equal to the fair value of the office space and related services the office of management and budget renders to the ethics commission."

Page 41, line 11, remove "**- Identifying information - False complaints**"

Page 41, line 12, remove "1."

Page 41, line 12, remove "When making a"

Page 41, remove lines 13 through 30

Page 42, remove lines 1 through 29

Page 43, replace lines 1 through 21 with:

"54-66-06. Informal resolution - Investigation - Referrals.

After receiving a complaint, the ethics commission may:

1. Attempt to negotiate or mediate an informal resolution between the accused individual and the complainant.
2. Investigate the allegations in the complaint.
3. Refer a matter described in or arising from a complaint to the bureau of criminal investigation or other appropriate law enforcement agency if a majority of the ethics commission members reasonably believes a crime was committed or the safety of the complainant is at risk.
4. Refer a complaint alleging a violation of open meetings or open records requirements to the attorney general, and the attorney general shall review the allegation under section 44-04-21.1 if the complaint was submitted to the ethics commission by the relevant deadline in section 44-04-21.1.

54-66-07. Ethics commission complaint - Informing the accused individual.

If, after investigating a complaint, the ethics commission decides to charge the accused individual with a violation of law, the ethics commission shall serve an ethics commission complaint against the accused individual and give the accused individual no less than twenty days to respond.

54-66-08. Informal resolutions - Public hearings - Referrals.

After serving an ethics commission complaint, the ethics commission may:

1. Resolve the charges in the ethics commission complaint informally with the accused individual; or
2. Hold a public hearing regarding the charges in the ethics commission complaint. The accused individual must be afforded due process, including an opportunity to respond to the charges.

54-66-09. Hearing findings - Penalties.

1. At the conclusion of a hearing, the ethics commission shall issue and make public its written findings of fact, conclusions of law, and any penalty authorized by law which the ethics commission imposes.
2. The written findings of fact must state whether the ethics commission believes, based on a preponderance of the evidence, as viewed by a reasonable person, a violation of article XIV of the Constitution of North Dakota, this chapter, or another law or rule regarding transparency, corruption, elections, or lobbying occurred.

54-66-10. Appeals.

An accused individual or complainant may appeal a finding of the ethics commission to the district court of the county where the accused individual resides."

Page 43, line 24, remove "determined the accused individual violated article XIV of"

Page 43, remove line 25

Page 43, line 26, replace "government ethics, and a court affirmed the determination if appealed" with "issued an ethics commission complaint"

Page 44, line 2, replace "54-66-07" with "54-66-06"

Page 44, line 10, replace "Willful publication" with "Publication"

Page 44, line 10, replace "who" with "that"

Page 44, line 11, replace "criminal defamation under section 12.1-15-01" with "a class B misdemeanor"

Page 44, line 12, replace "A public official who violates this section is guilty of a class C felony." with "The information deemed confidential in this section may be disclosed by the ethics commission if the accused individual agrees to the disclosure."

Page 44, replace lines 14 through 17 with "A knowing violation of subsection 2 of section 2 of article XIV of the Constitution of North Dakota is a class A misdemeanor. The ethics commission shall assess a civil penalty of up to one thousand dollars on any individual who knowingly violates the subsection."

Page 44, line 19, after "commission" insert "unless the commission objects to representation by the attorney general in a specific matter"

Page 44, line 27, replace "person" with "individual"

Page 44, line 27, remove "and may revoke the lobbyist's registration"

Page 44, line 29, after "misdemeanor" insert ", and, if the lobbyist is a registered lobbyist, the secretary of state may revoke the lobbyist's registration"

Page 44, after line 29, insert:

"54-66-15. Removal of ethics commission members.

1. An ethics commission member may be removed from office for:
 - a. Substantial neglect of duty;
 - b. Gross misconduct in office;
 - c. Violation of the commission's code of ethics; or
 - d. Willful or habitual neglect or refusal to perform the duties of the member.
2. Removal of an ethics commission member under subsection 1 requires agreement by a majority of:
 - a. The governor;

- b. The majority leader of the senate; and
- c. The minority leader of the senate.

SECTION 25. LEGISLATIVE MANAGEMENT STUDY - ETHICS COMMISSION AND LEGISLATIVE ASSEMBLY RESPONSIBILITIES. During the 2019-20 interim, the legislative management shall consider studying subsection 2 of section 1 of article XIV and subsections 1 through 5 of section 2 of article XIV of the Constitution of North Dakota, and the responsibilities of the legislative assembly and ethics commission under the subsections. The study committee must include members of the ethics commission as selected by the ethics commission. The study must include consideration of whether the civil and criminal sanctions for violations of the constitutional provisions are appropriate; whether additional authority is needed by the entity vested to implement, interpret, and enforce section 1 of article XIV; and effective means to educate public officials, lobbyists, and the public on the requirements of article XIV and other laws regarding government ethics. The legislative management shall report its findings and recommendations, together with any legislation necessary to implement the recommendations, to the sixty-seventh legislative assembly."

Page 44, line 31, replace "\$300,000" with "\$517,155"

Page 45, line 3, replace "one and one-half" with "two"

Page 45, line 4, replace "1, 2, 3, 4, 5, and 7" with "1, 3, and 4"

Page 45, line 4, replace "section" with "sections"

Page 45, line 5, after "54-66-02" insert "and 54-66-03"

Page 45, line 5, replace "32" with "24"

Page 45, line 6, replace "2022" with "2021"

Page 45, remove lines 7 through 11

Page 45, line 12, after "Sections" insert "5, 6, 7,"

Page 45, line 13, after the first comma insert "and"

Page 45, line 13, remove ", 24, 25, 26, 27, 28, 29, 30, and 31"

Renumber accordingly