

Introduced by

State and Local Government Committee

(At the request of the Ethics Commission)

1 A BILL for an Act to amend and reenact sections 54-66-01 and 54-66-06 of the North Dakota
2 Century Code, relating to the definitions and notice to an accused individual.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1. AMENDMENT.** Section 54-66-01 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **54-66-01. Definitions.**

7 As used in this chapter, unless the context otherwise requires:

8 1. "Accused individual" means a lobbyist, public official, candidate for public office,
9 political committee, or contributor who is alleged to have violated article XIV of the
10 Constitution of North Dakota, this chapter, or another law or rule regarding
11 transparency, corruption, elections, or lobbying.

12 2. "Complainant" means ~~a North Dakota resident~~ an individual who, in writing or verbally,
13 submits a complaint to the commission and is:

14 a. A North Dakota resident;

15 b. Subject to licensing or regulation by a state agency; ~~regulatory board or~~
16 ~~commission, licensing board or commission,~~ or other public official subject to the
17 jurisdiction of the ethics commission; or

18 c. Is a party to a quasi-judicial proceeding before a state agency; ~~regulatory board~~
19 ~~or commission, licensing board or commission,~~ or other public official subject to
20 the jurisdiction of the ethics commission.

21 3. "Complaint" means a verbal or written allegation to the commission that a lobbyist,
22 public official, candidate for public office, political committee, or contributor has
23 violated article XIV of the Constitution of North Dakota, this chapter, or another law or
24 rule regarding transparency, corruption, elections, or lobbying.

- 1 4. "Ethics commission" or "commission" means the North Dakota ethics commission
2 established by article XIV of the Constitution of North Dakota.
- 3 5. "Gift" means any item, service, or thing of value not given in exchange for fair market
4 consideration including travel and recreation, except:
- 5 a. Purely informational material;
- 6 b. A campaign contribution; and
- 7 c. An item, service, or thing of value given under conditions that do not raise ethical
8 concerns, as set forth in rules adopted by the ethics commission, to advance
9 opportunities for state residents to meet with public officials in educational and
10 social settings in the state.
- 11 6. "Influence state government action" means promoting or opposing the adoption of a
12 rule by an administrative agency or the commission under chapter 28-32.
- 13 7. "Lobby" means an activity listed in subsection 1 of section 54-05.1-02.
- 14 8. "Lobbyist" means an individual required to register under section 54-05.1-03.
- 15 9. "Public official" means an:
- 16 a. An elected or appointed official of the state's executive or legislative branch,~~;~~
17 members;
- 18 b. Members of the ethics commission,~~members;~~
- 19 c. Members of the governor's cabinet,~~and employees;~~
- 20 d. Employees of the legislative branch; and
- 21 e. ~~Employees of the executive branch, only as it relates to lobbyist gifting~~Directors,
22 officers, commissioners, heads, or other executives of state agencies.
- 23 10. "Receives the complaint" means one or more members of the commission learn of the
24 complaint.
- 25 11. "Ultimate and true source" means the person that knowingly contributed over two
26 hundred dollars solely to lobby or influence state government action.

27 **SECTION 2. AMENDMENT.** Section 54-66-06 of the North Dakota Century Code is
28 amended and reenacted as follows:

29 **54-66-06. Informing the accused individual - Written response permitted.**

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- 1 1. Within thirty calendar days, the commission shall inform an accused individual of the
2 complaint and include. Subject to the confidentiality requirements set forth in section
3 54-66-05, the accused individual will be provided with the written complaint or written
4 summary of the oral complaint, witness statements, and other documentary evidence
5 ~~considered as soon as reasonably possible but no later than twenty calendar days~~
6 ~~after the commission receives~~included with the complaint. The accused individual may
7 ~~respond~~provide a written response to the complaint ~~in writing~~ within ~~twenty~~thirty
8 calendar days of receipt of , or after the commission requests a written response to the
9 complaint or summary of the complaint, a period as set by the commission. This
10 subsection does not preclude the accused individual from providing a written response
11 to the complaint before receiving a request for written response from the commission.
12 2. If the commission has summarily dismissed the complaint under subsection 2 of
13 section 54-66-05, before notifying the accused individual as required by this section,
14 the notification to the accused individual must include notice of the summary
15 dismissal.