

Introduced by

1 A BILL for an Act to create and enact a new subsection to section 16.1-09-03 and new sections
2 to chapter 54-03 and 54-06 of the North Dakota Century Code, relating to the contents of the
3 statement of interests and conflicts of interest; to amend and reenact section 54-21-24.1 of the
4 North Dakota Century Code, relating to the lease of additional space by state agencies; and to
5 provide a penalty.

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

7 **SECTION 1.** A new subsection to section 16.1-09-03 of the North Dakota Century Code is
8 created and enacted as follows:

9 The location of commercial office space in the state in which the person making the
10 statement, and the person's spouse, have a financial interest, including commercial
11 office space in the state owned by a business in which the person making the
12 statement, and the person's spouse, are aware the person and the person's spouse
13 have a financial interest.

14 **SECTION 2.** A new section to chapter 54-03 of the North Dakota Century Code is created
15 and enacted as follows:

16 **Conflict of interest - Prohibition - Investigation - Penalty.**

- 17 1. A member of the legislative assembly may not vote on any legislative measure that
18 provides funding for a state entity that leases real property used for government
19 purposes in which the member is aware the member has a financial interest.
20 2. When a vote is alleged to have occurred in violation of subsection 1, the alleged
21 violation must be investigated.
22 3. The investigation must be completed by:
23 a. The majority leader of the senate, or the leader's designee;
24 b. The majority leader of the house of representatives, or the leader's designee;

- 1 c. The minority leader of the senate, or the leader's designee;
- 2 d. The minority leader of the house of representatives, or the leader's designee; and
- 3 e. The speaker of the house of representatives, or the speaker's designee.
- 4 4. If the individual alleged to have violated subsection 1 is an individual included in
- 5 subsection 3, the senate president pro tempore shall replace the individual for the
- 6 investigation.
- 7 5. If a violation of subsection 1 is determined to have occurred by a unanimous vote of
- 8 the individuals conducting the investigation, the individual determined to have violated
- 9 subsection 1 must be assessed a fee equivalent to the amount of legislative
- 10 compensation received for one calendar day during any organizational, special, or
- 11 legislative session. The proceeds of this fee must be deposited in the state tuition
- 12 fund.

13 **SECTION 3.** A new section to chapter 54-06 of the North Dakota Century Code is created
14 and enacted as follows:

15 **Conflict of interest - Prohibition.**

16 A state entity may not enter a lease for real property to be used for government purposes if:

- 17 1. An elected or appointed officer with executive authority over the state entity has a
- 18 financial interest in the real property; and
- 19 2. The state entity is aware of the financial interest.

20 **SECTION 4. AMENDMENT.** Section 54-21-24.1 of the North Dakota Century Code is
21 amended and reenacted as follows:

22 **54-21-24.1. Lease of additional space by state agencies, departments, offices,**
23 **officers, boards, and institutions.**

24 A lease or rental agreement or renewal of the lease or rental agreement for the lease or
25 rental of buildings or portions of buildings for use by state agencies, departments, offices,
26 officers, boards, and institutions, other than institutions under the board of higher education, the
27 adjutant general and department of transportation office and storage space for field engineering
28 and maintenance crews, ~~unless approved~~ may be entered by the director of the office of
29 management and budget subject to a determination of the legal sufficiency of the lease or rental
30 agreement. To ensure economy, efficiency, and cooperation between the state and its political
31 subdivisions, and to limit the number of locations of state offices for the convenience of

Sixty-eighth
Legislative Assembly

1 individuals traveling to the offices, the director shall ~~promulgate~~adopt rules governing the lease
2 or rental of additional buildings or portions of the buildings by state agencies, departments,
3 offices, officers, boards, and institutions other than those under the board of higher education,
4 the adjutant general, and department of transportation office and storage space for field
5 engineering and maintenance crews. The department, agency, or board for which the office
6 space is sought must approve the office space before the director may finalize a contract or
7 lease for the office space. A lease or rental agreement entered under this section must include a
8 list of all owners of the leased property, including each individual with an ownership interest in a
9 business that owns the leased property.