

**SENATE BILL NO. 2303**

Introduced by

Senators Fairfield, Bercier, Seymour, Warner

Representatives Gulleson, Kaldor

1 A BILL for an Act to create and enact a new section to chapter 54-05.1 of the North Dakota  
2 Century Code, relating to restricting the acceptance of gifts by members of the legislative  
3 assembly; to amend and reenact section 54-05.1-03 of the North Dakota Century Code, relating  
4 to lobbyist reporting requirements; and to provide a penalty.

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

6 **SECTION 1. AMENDMENT.** Section 54-05.1-03 of the North Dakota Century Code is  
7 amended and reenacted as follows:

8 **54-05.1-03. Registration as a lobbyist - Fee - Filing of information - Public**  
9 **inspection - Certificate of registration.**

10 1. ~~Any person who shall engage or be engaged by any other person either on a~~  
11 ~~part time or on a full time basis for~~ Before engaging in any of the activities listed in  
12 section 54-05.1-02, an individual shall, ~~before doing anything in furtherance of~~  
13 ~~such purposes~~, register with the secretary of state and receive a certificate of  
14 registration and a distinctive lobbyist identification badge that must be prominently  
15 worn by the lobbyist when engaged in any of the activities listed in section  
16 54-05.1-02 while on the capitol grounds. In lieu of wearing the official badge  
17 provided by the secretary of state, a lobbyist may wear a reasonable reproduction  
18 of the official badge that contains the name of the lobbyist and any of the following:  
19 the word lobbyist, the registration number of the lobbyist, or the organization name  
20 of the lobbyist in characters no smaller than one-quarter inch [6.35 millimeters].  
21 The registrant shall state in writing the registrant's full name and business address,  
22 the name and address of ~~the~~ any person or persons upon whose behalf the  
23 registrant appears, all persons, corporations, limited liability companies,  
24 associations, groups, or organizations in whose interest the registrant appears or

1 works, the duration of ~~such the~~ employment or appearances, and by whom the  
2 registrant is paid or is to be paid. The registration period commences on July first  
3 and expires on June thirtieth of the following calendar year unless an earlier  
4 expiration date is requested by the registrant. ~~Lobbyists required to be registered~~  
5 Each lobbyist shall file with the secretary of state, prior to before the issuance of a  
6 certificate of registration, a written authorization to act as a lobbyist. ~~Such The~~  
7 authorization must be signed by the ~~person or~~ official of the corporation, limited  
8 liability company, association, group, or organization employing ~~such the~~ lobbyist  
9 and may be filed by facsimile transmission. The secretary of state shall charge a  
10 fee of twenty dollars for registering each lobbyist and the first person ~~or entity~~  
11 represented by the lobbyist and an additional fee of five dollars for each  
12 subsequent person ~~or entity~~ represented by the lobbyist.

13 2. Each ~~person registering to act as a~~ lobbyist shall file, on or before ~~August the~~ first  
14 ~~following the expiration of the registration period~~ day of each calendar quarter, with  
15 the secretary of state a detailed report. The report must include a statement as to  
16 each expenditure, if any, of ~~fifty~~ twenty-five dollars or more expended ~~on any single~~  
17 ~~occasion during the legislative session or the interim, as the case may be,~~ on any  
18 individual in carrying out the lobbyist's work or include a statement that no  
19 reportable expenditures were made during the reporting period. The statement of  
20 each expenditure must include a description of the nature of the expenditure, the  
21 amount of the expenditure, the date of the expenditure, and the name of the  
22 recipient of the expenditure. A state official or agency may not require reporting of  
23 lobbyist expenditures other than is required under this subsection. The secretary  
24 of state shall provide a prescribed form for reporting ~~pursuant to~~ under this chapter.  
25 The secretary of state shall charge and collect fees for late filing of the detailed  
26 expenditure report as follows:

- 27 a. Within sixty days after the date provided in this subsection for filing the  
28 detailed expenditure report, twenty-five dollars; and  
29 b. Thereafter, fifty dollars; ~~and~~.  
30 ~~e-~~

1           3. ~~If any currently registered a~~ lobbyist fails to file a detailed expenditure report and  
2           pay any late fee by ~~October first~~ the end of the calendar quarter after the report  
3           was due, the lobbyist's registration is automatically revoked. The lobbyist's  
4           registration may be reinstated if the lobbyist thereafter files the detailed  
5           expenditure report and pays any outstanding late fee.

6           ~~3-~~ 4. All information required to be filed under ~~the provisions of~~ this section with the  
7           secretary of state and that previously filed must be compiled by the secretary of  
8           state within forty days after the close of the period for which ~~such~~ the information is  
9           filed and ~~such~~ the files must be open and accessible for public inspection during  
10          the normal working hours.

11          **SECTION 2.** A new section to chapter 54-05.1 of the North Dakota Century Code is  
12          created and enacted as follows:

13          **Gifts to members of the legislative assembly - Restrictions.**

14          1. Except as otherwise provided in this section, a member of the legislative assembly  
15          may not accept any gift from a lobbyist. For the purposes of this section, a "gift"  
16          means any item of value for which legal consideration of equal or greater value is  
17          not given, including food, beverages, lodging, and other travel expenses.

18          2. Notwithstanding subsection 1, a member of the legislative assembly may accept:

19           a. A gift offered to each member of the legislative assembly.

20           b. Reimbursement or payment for actual travel expenses for attendance at a

21           meeting if the reimbursement or payment is approved in writing by the

22           chairman of the legislative council before the travel and attendance at the

23           meeting and the lobbyist includes a detailed description of the expenditure in

24           the lobbyist's quarterly expenditure report to the secretary of state.

25           c. A gift with a value of less than twenty-five dollars from a lobbyist during one

26           calendar day.

27           d. A gift with a value of more than twenty-five dollars on any one calendar day if

28           the lobbyist includes a detailed description of the gift in the lobbyist's quarterly

29           expenditure report to the secretary of state.

30           e. A campaign contribution.

31           f. Informational material relevant to official legislative business.

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- 1           g. A gift received from an individual related within the fourth degree by kinship or  
2           marriage, unless the donor is acting as an agent or intermediary for another  
3           person not so related.
- 4           h. An inheritance.
- 5           i. A gift available or distributed free of charge to members of the general public.
- 6           j. A gift received from a bona fide charitable, professional, educational, or  
7           business organization to which the member of the legislative assembly  
8           belongs as a dues-paying member if the gift is given to all members of the  
9           organization.
- 10          k. A plaque or other gift of negligible resale value given as recognition for public  
11          service of the member of the legislative assembly.
- 12          l. Funeral flowers or memorials.