21.0080.02000

Sixty-seventh
Legislative Assembly
of North Dakota

BILL NO.

Introduced by

Legislative Management

(Judiciary Committee)

A BILL for an Act to create and enact a new section to chapter 54-66 of the North Dakota Century Code, relating to written advisory opinions regarding ethics.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 54-66 of the North Dakota Century Code is created and enacted as follows:

Advisory opinions - Authority - Effect.

1. In response to a request from a public official, candidate for elected office, or lobbyist, the ethics commission may provide a written advisory opinion regarding the application of the following to a specified set of hypothetical or actual facts:
   a. Article XIV of the Constitution of North Dakota; or
   b. State statutes and ethics commission rules related to transparency, corruption, elections, and lobbying.
2. Within fourteen days after receiving a request for a written advisory opinion, the ethics commission shall notify the requester whether an opinion will be provided.
3. Within ninety days after notifying a requester that a written advisory opinion will be issued, the ethics commission shall issue the opinion.
4. Criminal and civil penalties may not be imposed upon an individual for an action taken in accordance with an opinion issued under this section if:
   a. The individual acts in good faith; and
   b. The material facts surrounding the action taken are the same as the facts presented in the opinion.
5. Opinions and requests for opinions under this section are open records, except names of persons in the opinions and requests are exempt records.

6. The ethics commission shall publish all written advisory opinions issued under this section on a website or in another medium readily available to the public.