

Introduced by

Representatives Kasper, Headland, Heinert, Koppelman, Lefor, Louser, Monson, Rohr,
Steiner

Senators Meyer, Paulson, Vedaa

1 A BILL for an Act to create and enact a new section to chapter 54-66 of the North Dakota
2 Century Code, relating to the authority of the ethics commission; and to amend and reenact
3 subsection 5 of section 28-32-08.1 and section 54-66-11 of the North Dakota Century Code,
4 relating to the rulemaking process of the ethics commission.

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

6 **SECTION 1. AMENDMENT.** Subsection 5 of section 28-32-08.1 of the North Dakota
7 Century Code is amended and reenacted as follows:

- 8 5. This section does not apply to ~~the ethics commission~~, any agency that is an
9 occupational or professional licensing authority, and the following agencies or divisions
10 of agencies:
- 11 a. Council on the arts.
 - 12 b. Beef commission.
 - 13 c. Dairy promotion commission.
 - 14 d. Dry bean council.
 - 15 e. Highway patrolmen's retirement board.
 - 16 f. Indian affairs commission.
 - 17 g. Board for Indian scholarships.
 - 18 h. State personnel board.
 - 19 i. Potato council.
 - 20 j. Board of public school education.
 - 21 k. Real estate trust account committee.
 - 22 l. Seed commission.
 - 23 m. Soil conservation committee.

- 1 n. Oilseed council.
- 2 o. Wheat commission.
- 3 p. State seed arbitration board.
- 4 q. North Dakota lottery.

5 **SECTION 2. AMENDMENT.** Section 54-66-11 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **54-66-11. Rulemaking.**

8 When adopting rules, the ethics commission ~~shall follow~~ is subject to the provisions in
9 chapter 28-32 ~~which are specifically applicable to the commission.~~

10 **SECTION 3.** A new section to chapter 54-66 of the North Dakota Century Code is created
11 and enacted as follows:

12 **Limitations - Constitutional authority.**

- 13 1. Under subsection 5 of section 2 of article XIV of the Constitution of North Dakota:
 - 14 a. The ethics commission is authorized to enforce regulations relating to the
15 appearance of bias among directors, officers, commissioners, heads, or other
16 executives of agencies.
 - 17 b. The legislative assembly and ethics commission are authorized to adopt
18 legislation and rules relating to the appearance of bias among directors, officers,
19 commissioners, heads, or other executives of agencies.
- 20 2. Under subsection 2 of section 3 of article XIV of the Constitution of North Dakota, the
21 ethics commission only may adopt rules relating to corruption, transparency, elections,
22 and lobbying. This section does not include the authority to adopt rules imposing
23 regulations related to conflicts of interest.
- 24 3. Rules adopted in violation of this section are void.