

Introduced by

Representatives Kasper, Koppelman, S. Olson, Steiner

Senators Magrum, Paulson

1 A BILL for an Act to amend and reenact sections 54-66-01 and 54-66-03 of the North Dakota  
2 Century Code, relating to an exception to the prohibition against gifts for legislator attendance at  
3 an out-of-state educational event.

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

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

7 **54-66-01. Definitions.**

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

- 9 1. "Accused individual" means a lobbyist, public official, candidate for public office,  
10 political committee, or contributor who is alleged to have violated article XIV of the  
11 Constitution of North Dakota, this chapter, or another law or rule regarding  
12 transparency, corruption, elections, or lobbying.
- 13 2. "Complainant" means an individual who, in writing or verbally, submits a complaint to  
14 the commission and is:
  - 15 a. A North Dakota resident;
  - 16 b. Subject to licensing by a state agency or other public official subject to the  
17 jurisdiction of the ethics commission; or
  - 18 c. A party to a quasi-judicial proceeding before a state agency or other public official  
19 subject to the jurisdiction of the ethics commission.
- 20 3. "Complaint" means a verbal or written allegation to the commission that a lobbyist,  
21 public official, candidate for public office, political committee, or contributor has  
22 violated article XIV of the Constitution of North Dakota, this chapter, or another law or  
23 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. "Out-of-state educational event" means an event, which may include a social  
16          component, held out of state to provide objective, educational materials to a member  
17          of the legislative assembly.
- 18          10. "Public official" means an elected or appointed official of the state's executive or  
19          legislative branch, members of the commission, members of the governor's cabinet,  
20          and employees of the legislative branch.
- 21          ~~40.~~11. "Receives the complaint" means one or more members of the commission learn of the  
22          complaint.
- 23          ~~44.~~12. "Ultimate and true source" means the person that knowingly contributed over two  
24          hundred dollars solely to lobby or influence state government action.

25           **SECTION 2. AMENDMENT.** Section 54-66-03 of the North Dakota Century Code is  
26          amended and reenacted as follows:

27           **54-66-03. Lobbyist gifts - Exception - Penalty.**

- 28           1. A lobbyist may not give, offer, solicit, initiate, or facilitate a gift knowingly to a public  
29           official for the purpose of lobbying the public official, and a public official may not  
30           accept a gift from a lobbyist in conjunction with an effort by the lobbyist to knowingly  
31           lobby the public official.

- 1           2. The prohibition in subsection 1 does not apply when a:
- 2            a. A lobbyist gives, offers, solicits, initiates, or facilitates, or a public official accepts
- 3            a gift to or from a family member; or
- 4            b. A member of the legislative assembly attends an out-of-state educational event in
- 5            accordance with subsection 3.
- 6           3. A member of the legislative assembly:
- 7            a. May attend an out-of-state educational event based on a good-faith belief the
- 8            event is objective and educational, as demonstrated by the information provided
- 9            to the member of the legislative assembly.
- 10           b. May not engage with unforeseen lobbying efforts at the out-of-state educational
- 11           event. If a member of the legislative assembly identifies lobbying efforts, the
- 12           member shall leave the event or pay market value to participate in the event or
- 13           portion of the event that includes lobbying.
- 14           4. The commission may assess a civil penalty upon any individual who violates this
- 15           section.
- 16           a. If the gift has a value of five hundred dollars or more, the civil penalty may be up
- 17           to two times the value of the gift.
- 18           b. If the gift has a value of less than five hundred dollars, the civil penalty may be
- 19           two times the value of the gift and may be up to one thousand dollars.