

FIRST ENGROSSMENT

ENGROSSED HOUSE BILL NO. 1046

Introduced by

Judiciary Committee

(At the request of the Ethics Commission)

1 A BILL for an Act to amend and reenact section 54-66-04.2 of the North Dakota Century Code,
2 relating to ethics commission advisory opinions.

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

4 **SECTION 1. AMENDMENT.** Section 54-66-04.2 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **54-66-04.2. Advisory opinions - Authority - Effect.**

7 1. In response to a request from a public official, candidate for elected office, ~~or~~ lobbyist,
8 or upon the vote of four of the five members of the commission, the ethics commission
9 may provide a written advisory opinion regarding the application of the following to
10 specified hypothetical facts or prospective conduct:

11 a. Article XIV of the Constitution of North Dakota; or

12 b. State statutes and ethics commission rules related to transparency, corruption,
13 elections, and lobbying.

14 2. A public official, candidate for elected office, or lobbyist only may request an advisory
15 opinion related to hypothetical facts or prospective conduct of the public official,
16 candidate for elected office, or lobbyist making the request. Another individual, board,
17 entity, or organization may request an advisory opinion on behalf of a public official,
18 candidate for elected office, or lobbyist with corroborating evidence demonstrating the
19 request is authorized and made on behalf of the public official, candidate for elected
20 office, or lobbyist.

21 3. Within fourteen days after receiving a request for a written advisory opinion, the ethics
22 commission shall notify the requester whether the commission will provide an opinion.

- 1 ~~3.4.~~ Within ninety days after notifying a requester a written advisory opinion will be
2 provided, the ethics commission shall issue the opinion.
- 3 ~~4.5.~~ Criminal and civil penalties may not be imposed upon an individual for an action taken
4 in accordance with an opinion issued under this section if:
- 5 a. The individual acts in good faith; and
- 6 b. The material facts surrounding the action taken are substantially the same as the
7 conduct presented in the opinion.
- 8 ~~5.6.~~ Opinions and requests for opinions under this section are open records, except names
9 of persons in the opinions and requests are exempt records.
- 10 ~~6.7.~~ The ethics commission shall publish all written advisory opinions issued under this
11 section on a website that is accessible to the public.