

**Fifty-ninth Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 4, 2005**

SENATE BILL NO. 2303
(Senators Fairfield, Bercier, Seymour, Warner)
(Representatives Guleson, Kaldor)

AN ACT to amend and reenact sections 54-05.1-03 and 54-05.1-04 of the North Dakota Century Code, relating to lobbyist registration and reporting requirements and the authority of the secretary of state; and to provide a penalty.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

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

1. a. ~~Any person who shall engage or be engaged by any other person either on a part time or on a full time basis for~~ Before engaging in any of the activities listed in section 54-05.1-02, ~~an individual shall, before doing anything in furtherance of such purposes,~~ register with the secretary of state and receive a certificate of registration and a distinctive lobbyist identification badge that must be prominently worn by the lobbyist when engaged in any of the activities listed in section 54-05.1-02 while on the capitol grounds. In lieu of wearing the official badge provided by the secretary of state, a lobbyist may wear a reasonable reproduction of the official badge that contains the name of the lobbyist and any of the following: the word lobbyist, the registration number of the lobbyist, or the organization name of the lobbyist in characters no smaller than one-quarter inch [6.35 millimeters].
- b. The registrant shall state in writing ~~the~~:
 - (1) The registrant's full name and business address, ~~the~~; and
 - (2) The name and address of ~~the any person or persons~~ upon whose behalf the registrant appears, ~~all persons, corporations, limited liability companies, associations, groups, or organizations~~ any person in whose interest the registrant appears or works, the duration of ~~such~~ the employment or appearances, and by whom the registrant is paid or is to be paid.
- c. The registration period commences on July first and expires on June thirtieth of the following calendar year unless an earlier expiration date is requested by the registrant. ~~Lobbyists required to be registered~~
- d. Each lobbyist shall file with the secretary of state, ~~prior to~~ before the issuance of a certificate of registration, a written authorization to act as a lobbyist. ~~Such~~ The authorization must be signed by the ~~person or~~ official of the corporation, limited liability company, association, group, or organization employing ~~such~~ the lobbyist and may be filed by facsimile transmission.
- e. The secretary of state shall charge a fee of ~~twenty~~ twenty-five dollars for registering each lobbyist and the first person ~~or entity~~ represented by the lobbyist and an additional fee of five dollars for each subsequent person ~~or entity~~ represented by the lobbyist.

2. Each ~~person registering to act as a~~ lobbyist shall file, on or before August first following the expiration of the registration period, with the secretary of state a detailed report. The report must include a statement as to each expenditure, if any, of ~~fifty~~ sixty dollars or more expended on any single occasion ~~during the legislative session or the interim, as the case may be,~~ on any individual, including the spouse or other family member of a member of the legislative assembly or the governor, in carrying out the lobbyist's work or include a statement that no reportable expenditures were made during the reporting period. The statement of each expenditure must include a description of the nature of the expenditure, the amount of the expenditure, the date of the expenditure, and the name of the recipient of the expenditure. A state official or agency may not require reporting of lobbyist expenditures other than is required under this subsection. The secretary of state shall provide a prescribed form for reporting ~~pursuant to~~ under this chapter. The secretary of state shall charge and collect fees for late filing of the detailed expenditure report as follows:
 - a. Within sixty days after the date provided in this subsection for filing the detailed expenditure report, twenty-five dollars; and
 - b. Thereafter, fifty dollars; ~~and,~~
 - c.
3. If ~~any currently registered~~ a lobbyist fails to file a detailed expenditure report and pay any late fee by October first, the lobbyist's registration is automatically revoked. The lobbyist's registration may be reinstated if the lobbyist thereafter files the detailed expenditure report and pays any outstanding late fee.
3. 4. All information required to be filed ~~under the provisions of~~ this section with the secretary of state and that previously filed must be compiled by the secretary of state within forty days after the close of the period for which ~~such the~~ information is filed and ~~such the~~ files must be open and accessible for public inspection during the normal working hours.

SECTION 2. AMENDMENT. Section 54-05.1-04 of the North Dakota Century Code is amended and reenacted as follows:

54-05.1-04. Powers of secretary of state - Granting and revoking of certificates - Referrals and reports to the attorney general.

1. ~~It is the duty and responsibility of the~~ The secretary of state shall:
 - a. ~~To grant~~ Grant a certificate of registration and ~~to~~ design and furnish a distinctive lobbyist identification badge to any ~~person~~ individual registering under section 54-05.1-03 who supplies the required information ~~therein required~~.
 - b. ~~To revoke~~ Revoke the certificate of registration of any ~~person~~ individual who has been convicted of violating any ~~of the provisions~~ provision of this chapter.
 - c. ~~To refer~~ Refer on the secretary of state's own motion or on the verified complaint of any ~~member of the legislative assembly or on the verified complaint of any state official, board, commission, department, or agency, or on the verified complaint of any other person,~~ to the attorney general for investigation, the activities of any ~~person~~ individual who the secretary of state has reason to believe has been acting as a lobbyist and who may be in violation of ~~the requirements of~~ this chapter.
 - d. ~~To make~~ Make available upon request of any citizen expenditures by categories reported by registered lobbyists to have been expended on each individual in carrying out that ~~person's~~ registrant's work.
 - e. ~~To supply~~ Supply a current list of registered lobbyists for each legislator upon request.

2. ~~In addition, the~~ The secretary of state may revoke the certificate of registration issued ~~pursuant to~~ under this chapter for failure to file the reports required by this chapter when due, but no certificate may be revoked if, ~~prior to~~ before the last day for filing ~~such~~ the reports, the secretary of state has been informed in writing of extenuating circumstances justifying ~~such~~ the failure.
3. The secretary of state shall compile and make available to the public a report of the total amount of expenditures reported by registrants.
4. The secretary of state may establish procedures for registration of lobbyists and filing of lobbyist expenditure reports through the internet or other electronic means, and may make lobbyist expenditure reports available on the secretary of state's internet web site.

President of the Senate

Speaker of the House

Secretary of the Senate

Chief Clerk of the House

This certifies that the within bill originated in the Senate of the Fifty-ninth Legislative Assembly of North Dakota and is known on the records of that body as Senate Bill No. 2303.

Senate Vote: Yeas 35 Nays 12 Absent 0

House Vote: Yeas 70 Nays 23 Absent 1

Secretary of the Senate

Received by the Governor at _____ M. on _____, 2005.

Approved at _____ M. on _____, 2005.

Governor

Filed in this office this _____ day of _____, 2005,
at _____ o'clock _____ M.

Secretary of State