

**2011 HOUSE GOVERNMENT AND VETERANS AFFAIRS**

**HB 1298**

# 2011 HOUSE STANDING COMMITTEE MINUTES

## House Government and Veterans Affairs Committee Fort Union Room, State Capitol

HB 1298  
January 27, 2011  
13561

☐ Conference Committee

Committee Clerk Signature

*Carmen Hart*

### Explanation or reason for introduction of bill/resolution:

Relating to the creation of a state ethics committee

### Minutes:

**Chairman Bette Grande** opened the hearing on HB 1298.

**Rep. Corey Mock, District 42**, appeared in support. A list of the sections as included in Subsection 2 on Pages 1-2 is attached. **Attachment 1.** North Dakota remains rather unique. We are one of ten states without a formal ethics committee or commission to oversee the actions of elected officials or lobbyists. I have a list from the National Conference of State Legislators of the different ethics committees that exist across the country. It does give in detail which states have ethics committees and commissions and the details of what they include. Chairman Grande asked if he could send it electronically to the committee. He stated that the link is available on the National Conference of State Legislators' website, and he was going to forward the link to the committee for ease of access. There is no perfect ethics committee. Examples range from members of legislature, members of executive branch, and individuals with expertise in varying fields. What Mr. Bjornson from Legislative Council and I discussed was creating a bipartisan, equal members from both chambers, ethics committee to oversee behavior relative to elected officials and candidates. If an elected official is presumed to have violated one of the sections listed in Subsection 2 of the bill, a written complaint would be filed to the Secretary of State which then would forward the complaint to the members of the committee and convene a meeting within 90 days of the complaint being filed. That gives the opportunity that if there are other complaints filed during that window, you are able to hear more than one case without having to call multiple meetings. This would give an opportunity for those that believe candidates or elected officials have acted questionably a chance to have their cases heard and for the committee to be, quite literally, a judge of its peers. If there is evidence that an elected official or a candidate or an individual lobbying pursuant of Section 54-05.1 did act illegally or violate the law, the complaint would then be forwarded to the Attorney General. If there is insufficient evidence that a mishap has happened, a written statement from the chair or a member of the committee would then have to be forwarded. That is listed in Subsection 4. The purpose of this bill is to show to the public and to give people an opportunity to have complaints filed and heard to ensure that our elected officials are acting in the best behavior, that there is no questionable actions and if there is, the public can rest assured that any complaints do have their day in

court. I do not want to point out we have ethical standards that we have adopted as members of the house and our colleagues in the senate. Joint Rule 901 establishes the policy for sexual harassment. Joint Rule 1001 establishes the rules on ethics. The question is what happens if a person is guilty of Joint Rule 901? Nothing happens. It simply is a work policy which is handled internally. While this bill does not include our joint rules and ethics policies that are not binding in statute, I would recommend that as an amendment. I have discussed this with John Bjornson to propose an amendment and have it brought down to the committee for consideration. If Rep. Kaldor was picking on me, and I thought that was sexual harassment, I could forward the complaint, and we would have a chance to vent our grievances. This would give us an opportunity to ensure that both sides of the story are heard. North Dakota Century Code 16.1-08.1 relates to campaign contributions. If an individual is an elected official or a candidate is thought to have not been truthful in their campaign disclosures, right now the person could submit to the Secretary of State reasonable suspicion that a complaint is filed. He read the section of law. If substantially regularity is evident or reasonably alleged, the secretary of state may arrange an audit for any statement filed pursuant to this chapter to be performed by a certified public accountant of the filer's choice subject to be approved by the secretary of state. Also complaints related to lobbying pursuant to Section 54-05.1, the complaint can be filed if it is assumed that an individual has been lobbying illegally or violating our rules related to legislative lobbying, the complaint can be forwarded to the secretary of state who then can forward the complaint to the attorney general for investigation. There is no other review process. Again, this would give a mandatory review of all complaints related to elected officials, candidates, or lobbyists to be reviewed by a committee of our peers with officials and ensure that the process is filed appropriately.

**Rep. Glen Froseth:** We have a legislative management committee. Why couldn't that committee assume the duties that you have spelled out in Subsection 1 rather than electing a whole new 11 member committee, 4 from the house of representatives, 4 from the senate, and so forth?

**Rep. Corey Mock:** I actually would have no problem with us expanding the authority of the legislative management ethics committee to make it a standing committee as long as it does have the mandatory provision that all complaints are heard. Right now there is no provision for an investigation in any of the sections of law pursuant to this. If a complaint is filed, it is filed in this case with either the state's attorney in which the offense happened or the attorney general depending upon who has the jurisdiction.

**Rep. Roscoe Streyle:** Two questions. What is the point of having the state health officer on there? Then a scenario—what if you file a complaint on me? Is that going to be public knowledge? Could that damage my reputation when it turns out there was nothing there? Would all this information be confidential and you couldn't then again use it against me saying, well there is an ethic complaint filed against him?

**Rep. Corey Mock:** If a complaint is filed, any complaint filed either with the state's attorney, the attorney general, or the secretary of state if done in writing, I believe, is subject to open records law. This would make the hearing public and give any individual accused of violating our laws a chance to have their side heard. The committee would then, as it is written, make a determination. If there is reasonable evidence to assume guilt,

it would be forwarded to the state's attorney or the attorney general or the charges could be dismissed at the discretion of the committee. If you have been accused, you would have a chance to share your side of the story and extinguish all doubt. Your first question again.

**Rep. Roscoe Streyle:** Why would the state health officer be on there? A follow up to that one real quick. Couldn't it turn into a witch hunt where you get me—you kind of ruin the guy's name right off the bat just by filing the complaint? Couldn't I just go and file a complaint for something that maybe doesn't exist?

**Rep. Corey Mock:** By all of us running for office, we have all kind of ruined our name just a little bit by stepping into the political arena. We do balance delicate responsibilities. As Joint Rule 1001 actually explains, this is not our primary profession, and we do not only have the responsibility of acting with the utmost professional behavior and as Subsection 7 of the Joint Rule says the public confidence in the legislative assembly is to be maintained and enhanced it is not enough that members avoid acts of misconduct, they also must avoid acts that may create an appearance of misconduct. The state health officer would be there to answer any medically relevant questions that may come up in an accusation. If we do not include the provisions in our joint rules especially relevant to the sexual harassment policy, the state health officer or their designee may not be appropriate. I would have no problem if the committee felt that was unnecessary to be on the committee if we remove that. That would bring the number of committee members to 10 with one nonvoting. That may be also more appropriate to have an odd number of voting members to serve on the committee.

**Rep. Karen Rohr:** It says the complaint will be filed with the secretary of the state, so, therefore, would he chair this committee when it was convened?

**Rep. Corey Mock:** I believe it is listed in Line 19. It says the secretary of state shall serve as the chairman of the committee but serve as a nonvoting member.

**Rep. Karen Rohr:** Where would the documentation be kept whether or not there is an ethics violation or not and for how long? What happens to the documentation?

**Rep. Corey Mock:** I couldn't answer the questions on how long the documents are maintained. I imagine that any complaints and minutes of the meeting would be subject to open records law that already exists. Actually, I take that back. I do know. On Page 2, Subsection 7, the legislative council shall provide staffing for the committee. It would be my understanding that legislative council would manage and maintain all records of the minutes and complaints. I imagine the secretary of state would also maintain records of complaints.

**Rep. Lisa Meier:** To what Rep. Streyle was stating earlier, doesn't this now make the state liable? Let's say, for example, there was some false evidence that was presented and an accusation made, then doesn't the state assume liability? Let's say, for example, if the individual that was actually accused comes back and says you know what, my name has been tarnished and now doesn't that individual have the right to sue the state?

**Rep. Corey Mock:** My understanding is that the laws that are included under this jurisdiction all exist, so if a complaint is ever filed and in Rep. Streyle's example, if I believe Rep. Streyle is guilty of any one of these sections, I could forward the complaint to a state's attorney for possible investigation. The one that really does not go straight to the state's attorney is relative to campaign finances and campaign disclosure. I don't believe that the state is subject to liability. We could ask legislative council to shed some light on that topic.

**Vice Chairman Randy Boehning:** You have 11 members on here and there are only 8 that are voting members. What happens if it comes to a tie?

**Rep. Corey Mock:** It was presumed that the State Bar Association and the state health officer would have been voting members. That was an amendment that was overlooked. Thank you for bringing that up. As it was discussed, if we did remove in Line 15, the state health officer and just had the 8 voting members as elected officials and in Line 17, the member of the State Bar Association if they were voting members, that would bring it up to 9.

**Rep. Karen Rohr:** If an individual would disagree with the ethics violation—say they were found guilty, would he have the ability to appeal the process?

**Rep. Corey Mock:** I believe that all appeal processes would still stand.

**Rep. Vicky Steiner:** How is our system not working? Why did you bring this forward? Are there problems? Is there a problem that you see?

**Rep. Corey Mock:** 2009—now this is anecdotal so I apologize for that. It was brought to my attention that there were two professional lobbyists lobbying the halls of the capitol without being registered through the state. The accusation was made, but the investigation never took place. There is no evidence. Again, this is anecdotal. Without a measure to have all complaints heard and mandated to be heard, those doubts remain in the air. There are people that still wonder are we really upholding the laws that we have not only approved but say we live by. Also, being one of ten states without a formal review process it clearly puts us in a minority, and I think in a poor minority. We as elected officials are proud of our positions and we do uphold the letter of the law. We want to ensure the public is confident that we uphold the letter of the law, and that is the perception we want to send to the people that we are not only elected officials helping to make the laws but we are law abiding citizens just like everybody else.

**Rep. Lee Kaldor, District 20,** appeared in favor of HB 1298 creating a state ethics committee. As I reviewed this legislation and looked at the various sections of law, and Rep. Mock has done a big favor by handing you the list of provisions that already exist in law relating to areas that would be affected by any ethical misdeeds or unlawful acts that we as elected officials might do or act, I think it would really be helpful for everyone to take some time and look at each of those chapters and the components of those chapters. I think once you read those you will find there are some things that have happened in the past that they may have been questionable, that at least skirt the possibility of infringement or violation. I might also add that each of us as individuals are subject to these laws and can be accused of these violations by other individuals or other office holders already. It

isn't that our name could not be tarnished in the public based upon an accusation, because those accusations can now already be made. We can already fall under the criminal code in Section 12 of our Century Code. Those particular issues would be public and, of course, they would be damaging. If they are unproven or otherwise, they are always damaging. We understand that, but we all get our day in court. The fact that several of the states have a commission is important for us to consider. It is a way and a method for us as office holders to show to the public that you can trust us. We need to have their trust. If we don't have the public trust, then we are not going to be able to do the job that we have been elected to do. As I looked at the various issues in here and some of these titles are short on content—they don't really tell you the whole story—but some of the things like (named several that were on the attachment), all of these things are areas where the public often times has concerns. Many times they think about us and they say I suppose the lobbyists are wining and dining you tonight in Bismarck to try and convince you to vote a certain way or whatever. We certainly have our fair share of contacts from a variety of sources, but the point is the public trust is the most important thing we can have. Putting this emphasis in this way will send a strong message. Is it perfect? No, it needs improvement I am sure. There are some amendments that could be made, but it is a very important start. The second thing I want to make reference to is what I see happening in the appropriations committee regarding state agencies. We are reviewing state agency budgets right now, and one of the things that comes up almost regularly in our state agency overviews are representations from the state auditor's office about the importance of establishing ethics procedures and policies within state agencies. I am assuming all of our state agencies have them, but it is interesting that comes to be an important issue in an audit. Just as the agencies must have public trust so must we as elected officials.

**Rep. Vicky Steiner:** Are you aware of the anecdotal story that Rep. Mock shared with the committee?

**Rep. Lee Kaldor:** I have heard stories like that before. In fact, I have heard many stories about people lobbying who were not registered. One of the things that we always do—I have done this in the past—when somebody has come to me and said they were representing an association and they don't have a lobby badge on, I ask them and I tell them you know what you shouldn't be talking to me unless you go to the secretary of state's office and get registered. That is a responsibility we have, but sometimes you are confronted with those circumstances and they don't know that they are violating the law.

**Rep. Vicky Steiner:** I am just curious if you are aware and there was no complaint filed, why wasn't the complaint filed? I don't understand. To say there is a problem, but there never was a complaint filed?

**Rep. Lee Kaldor:** I think all of us are reasonable people, and we would probably give any number of people the benefit of the doubt on the first try. In those cases when that has happened to me, I have always told them to go down to the secretary of state's office before you even talk to me on this because they are representing a group or organization and not themselves personally. We have that responsibility. I am hoping that when legislative council does their preliminary program at the beginning of session, they make that very clear to all of us legislators that it is a responsibility we have, that we should inform people of that. Should I file a complaint? I suppose I could but in those

circumstances like that I feel it is better to first inform them of what they should do and can do to avoid problems.

**Rep. Karen Rohr:** Was this existing design of this committee modeled after another state committee? How did we get to this type of representation?

**Rep. Lee Kaldor:** You will have to ask the prime sponsor that question.

**Rep. Karen Rohr:** My second question would have to do with the fact that if we are representing the people, should there be a public member on this committee?

**Rep. Lee Kaldor:** That is probably a good idea.

**Senator Ryan Taylor, District 7,** appeared in support as a cosponsor of the bill. One of my roles as leadership this time in this session is when early in the session legislative council comes down and talks to the chamber about ethics, and the two leaders offer remarks. As you google ethics when you want to make your remarks fairly accurate, you will find there are 40 states with actual ethics commissions that are structured within their bodies. My personal feeling on ethics as I would have mentioned in my floor comments, it is a lot about your name and your reputation. We come into these offices with, hopefully, a good name. That is how we got elected. Hopefully, our reputation stays intact as we go through public office. As we enter public office, we are held to a high standard that is very much in the public eye and that is why we have all these sections of code that Rep. Mock handed out that give us some guidance as to what our behavior is expected to be. When I was first approached on this bill, I just thought it made perfect sense that we ought to have a process in place to help us maintain the name that we came here with and the reputation in the public eye. I don't think it does our institution any good to ever have any tarnish upon it. We want people to be confident in their government and to know that we are doing our best to provide good government. A process like this I think would lend this to that end.

**Rep. Corey Mock:** As Rep. Rohr had asked the question if it had been modeled. I want to reference again this. Many states have bipartisan ethics committees. There are commissions that include more members from outside of the elected body. Without a committee it was difficult to create a commission. You have to walk before you run. We certainly couldn't let perfect be the enemy of good in the drafting of this bill. There are so many examples and the beauty of this process is it will get its hearing. I want to offer again my enthusiastic assistance in drafting a better piece of legislation if the committee sees that it is appropriate.

**Rep. Karen Karls:** In looking over the bill I don't see anywhere that there is a fiscal note.

**Chairman Bette Grande:** There should be a fiscal note attached.

Opposition:

**Al Jaeger, Secretary of State,** appeared to answer some of the questions asked earlier. First of all, there was a reference made that lobbying is covered under this and an incident that happened in the last session. Currently under North Dakota law, the only alternative

when somebody is lobbying without being registered is to refer them to the state's attorney for prosecution. Our experience has been that a state's attorney like Richard Riha here in Bismarck is quite busy with other things. Our experience has been that the first question that would be asked is have they registered? We have found that when people have been notified and are made aware of the fact that they are lobbying without being registered, they immediately come down to our office. We have introduced a bill that would when an individual is lobbying without a registration and they come to our office and we are notified of that, they have to pay double the fee to become registered. This is the same thing that we do with contractors. When contractors are not licensed and they come in and register, the fee is doubled. The whole goal of registering lobbyists and licensing contractors is to get them registered or to get them licensed. The reason we did it with the contractors is they come in and we felt that there should be a penalty. That is the same reason with the lobbyist bill 1314. Now this particular process if somebody files a complaint on a lobbyist, this would spread out up to 90 days. By the time that this would be resolved against this lobbyist, all of you would be home already. Did we achieve what needed to be achieved at that particular time? There are many other things in state law, a lot of these sections that are referred to that are criminal infractions. Our office cannot prosecute. Anyone in the public can refer something to the state's attorney. If it is forwarded to the state's attorney and the state's attorney or the attorney general doesn't prosecute, this law mandates that they report back and say why. I don't know if state's attorneys can be mandated to say why they don't prosecute. There is a fiscal note. The legislative council would staff it. At the same time they would staff it, the secretary of state is given responsibility for doing certain mailings and doing the notifying. I assume the secretary of state would prepare a letter, take it up to legislative council, and they would send it out. This is not geared just to legislators. You already heard that it is also geared to lobbyists and statewide elected officials. Rep. Froseth asked a question. Why doesn't legislative management do this? My question to the committee would be is if a complaint is filed against a statewide elected official, can legislative management or a legislative body—what authority does a legislative body have over a lobbyist or a statewide elected official?

**Rep. Ron Guggisberg:** I heard that bill about the lobbying, and I think that it will clear a lot of those cases up. Do you have the same concern with these other things, that maybe the attorney general's office doesn't have time for some of these things if they are forwarded to them or would these not be forwarded to their office?

**Al Jaeger:** If there are certain violations, the attorney general will basically counsel us to have it go to the state's attorney. The attorney general is not a prime prosecutor. In some situations they are not going to take the lead. The question was what if it is 4 to 4. Right now there are 3 nonvoting members. There is no way to even break a tie. The question was sort of asked in a way that what happens if a complaint is filed for very partisan reasons and you have a public hearing and all of a sudden you have a 4 to 4 vote?

**Rep. Ron Guggisberg:** The reason I asked that question about the lobbying is it seems like that bill that your office proposed was to take some of the work off the attorney general and make it more workable. I think that is how I look at this bill too. If these are frivolous or minor infractions, it gives a way for that to be heard without having to go through the attorney general's office. Do you think it is kind of the same thing?



**Al Jaeger:** In the case of the lobbying thing, I can't imagine taking 90 days to talk about somebody that happened to be down the hall lobbying when the whole idea was to get them down the hall to get them registered.

**Rep. Glen Froseth:** Do you know approximately how many violations or ethics cases have been reported in the last biennium?

**Al Jaeger:** I have been in office 18 years, and I don't hardly know of any that have been reported. The whole chapter on corrupt practices and all of that, any violation of that is a criminal violation. The secretary of state has absolutely no involvement in it at all. In fact the whole chapter in corrupt practices doesn't even mention the word ethics any place. This is my tenth session, and I believe last time was the first time that we had one case come up where it was felt that they were lobbying without being registered. I think the last time that there was something like that was back in one of my earlier sessions. When they find out, they do not want to run afoul of you. They come immediately.

**Rep. Roscoe Streyle:** Could I ask Rep. Mock a quick question? On the alleged what you were hearing about, did you go and actually check and see if they were registered?

**Rep. Corey Mock:** I can forward the comment that I had received regarding the situation. There was a story done on that. One thing I want to point out is that it is within 90 days. If there is a complaint, it doesn't have to wait 90 days before a committee meets. We do ensure that everything does get heard in a timely fashion.

**Rep. Karen Rohr:** I can understand the per diem appropriation on the fiscal note, but does this also include a full FTE for an assistant attorney general?

**Rep. Corey Mock:** I haven't seen the fiscal note. I didn't have one when I was given my bill. If we were to amend the bill, I think the per diem would be obviously for the standing members—I am not sure if there was anything else that was mentioned in there.

**Chairman Bette Grande:** Just take and read your last paragraph of your fiscal note.

There was no one neutral on this bill.

The hearing was closed.

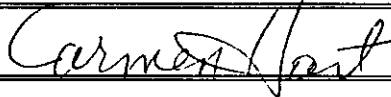
# 2011 HOUSE STANDING COMMITTEE MINUTES

## House Government and Veterans Affairs Committee Fort Union Room, State Capitol

HB 1298  
January 27, 2011 (PM)  
13583

☐ Conference Committee

Committee Clerk Signature



### Explanation or reason for introduction of bill/resolution:

Relating to the creation of a state ethics committee

### Minutes:

**Chairman Bette Grande** opened the discussion of HB 1298. We have the fiscal note. The question was asked regarding FTEs here. On the expenditures under there it does talk about anticipating the cost for funding the office of the attorney general for an assistant attorney general, and he has a cost in there on recording of the ethics in violation. At first I thought that just seemed a little extreme, but as I looked at this a little bit more, I think what we are running into is when it says elected officials we are talking park board, school board, city commissioners, county commissioners, township officers. We are talking the whole gamut. I think that is what the concern is dealing with this fiscal note. That is going to be my take. I did not call council or the attorney general's office. I think this opens up a little broader direction than what we had initially thought of. We have HB 1314. Who is on judiciary? Have you heard that bill yet?

**Vice Chairman Randy Boehning:** We kicked it out.

**Chairman Bette Grande:** We have addressed some lobbying issues. Is that correct? I know when we ran into campaign issues we were always directed right to our state's attorney. I know the state's attorneys do directly deal with those issues, so I think we have a good handle there. I think one of the things that we need to do is just maybe as a legislative body ask legislative management to take up the joint policies and find out how and when they are planning to adhere to that. We as a legislative body write our own rules, and we could set by rule that they handle the ethics issues. That could be a great directive as far as the legislative body dealing with some of those issues and knowing how to do that for checks and balances. From there decide what other types of things need to be taken up. I know that doesn't take care of the tower, but I am not necessarily ready to \_\_ the tower if they are under corrupt practices either. I would hope that the taxpayers in the voting booth decide whether they have somebody in the tower of corrupt practices.

**Rep. Lisa Meier:** The one concern I mentioned earlier is that I think it does leave the state pretty liable for lawsuits. That is probably one of my largest concerns with the bill too as well.

**Rep. Lonny Winrich:** In response to Rep. Meier's concerns, anytime you run for office or hold a public office or something like that, you are considered a public person under the law, and you lose a lot of your privileges about suing for liable and so on. People can pretty much say whatever they want to say about you. I don't think this bill would change that. My reaction to the fiscal note was very similar to the chairman's. I find it hard to believe that they need another full time person in there to deal with this, but we pretty much have to accept the fiscal note. We can't rewrite it.

**Chairman Bette Grande:** I agree. That is the kind of thing I was going back and forth with, but that was the only thing I could come up with is this was all the way down to township officers and bringing that up to secretary of state and attorney general's office versus dealing with it at our state's attorney's level where that was their position and their job. That was my concern, kind of that usual chain of command of how we should be proceeding in law and those types of issues.

**Rep. Gary Paur:** Rep. Boehning, didn't the secretary say that most of this is turned over from the attorney general to the state's attorney? The attorney general is not the primary prosecutor for this kind of thing.

**Rep. Karen Karls** made a motion for a **Do Not Pass**.

**Rep. Karen Rohr** seconded the motion.

**Rep. Ron Guggisberg:** I would just like to point out that it seems like I am hearing two different things here. On one side I am hearing that this isn't a problem and we can just deal with it locally, and then we have a fiscal note in front of us that says we have such a problem that it is going to cost \$300,000 to watch it.

**Chairman Bette Grande:** I think you are right in that it should be handled at a local issue. That is where the attorney general is saying you just moved all of those local issues into my office and now it becomes a big issue. If you leave it where it is, it is not affecting my office.

**DO NOT PASS, 10 YEAS, 3 NAYS. Rep. Lisa Meier is the carrier of this bill.**

## FISCAL NOTE

Requested by Legislative Council  
01/11/2011

Bill/Resolution No.: HB 1298

**1A. State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	2009-2011 Biennium		2011-2013 Biennium		2013-2015 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues						
Expenditures			\$273,787		\$301,166	
Appropriations			\$273,787		\$301,166	

**1B. County, city, and school district fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

2009-2011 Biennium			2011-2013 Biennium			2013-2015 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts

**2A. Bill and fiscal impact summary:** *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

This bill provides for the creation of a state ethics committee and potential prosecution of reported violations.

**B. Fiscal impact sections:** *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

The bill establishes a state ethics committee consisting of members of the Legislative Assembly, the State Health Officer, a member of the State Bar Association, and the Secretary of State. The Legislative Council is to provide staffing for the committee and is anticipated to pay per diem for the committee members. The bill provides for any individual to submit a written complaint to the Secretary of State alleging an elected official or an individual has violated the legislative lobbying statute contained in NDCC Chapter 54-05.1.

The Office of Attorney General or a state's attorney to whom a complaint is referred under this section shall proceed with prosecution of the complaint or shall provide the committee with a written explanation detailing the reason for not pursuing the prosecution.

**3. State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

**A. Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

N/A

**B. Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

The anticipated general fund cost to the Office of Attorney General for an assistant attorney general and associated expenses is \$273,787 to evaluate and potentially prosecute reported ethics violations. Since the location of the reported ethics violations cannot be predicted to know if a state's attorney will handle the violation, there could be some fiscal impact on the counties which is unknown.

The Legislative Council anticipates a fiscal impact of less than \$5,000.

- C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation is also included in the executive budget or relates to a continuing appropriation.*

The Executive Recommendation could not anticipate this legislation and does not include any funding for this purpose.

<b>Name:</b>	Kathy Roll	<b>Agency:</b>	Office of Attorney General
<b>Phone Number:</b>	328-3622	<b>Date Prepared:</b>	01/24/2011

Date: 1-27-11  
Roll Call Vote #: \_\_\_\_\_

2011 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 1298

House GOVERNMENT AND VETERAN AFFAIRS Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken ☐ Do Pass ☒ Do Not Pass ☐ Amended ☐ Adopt Amendment

☐ Rerefer to Appropriations ☐ Reconsider

Motion Made By Rep Karls Seconded By Rep Rohr

Representatives	Yes	No	Representatives	Yes	No
Chairman Bette Grande	✓		Bill Amerman		✓
Vice Chairman Randy Boehning	✓		Ron Guggisberg		✓
Glen Froseth	✓		Lonny Winrich		✓
Karen Karls	✓				
Lisa Meier	✓				
Gary Paur	✓				
Karen Rohr	✓				
Mark Sanford	✓				
Vicky Steiner	✓				
Roscoe Streyle	✓				

Total (Yes) 10 No 3

Absent 0

Floor Assignment Rep. Meier

If the vote is on an amendment, briefly indicate intent:

**REPORT OF STANDING COMMITTEE**

**HB 1298: Government and Veterans Affairs Committee (Rep. Grande, Chairman)**  
recommends **DO NOT PASS** (10 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING).  
HB 1298 was placed on the Eleventh order on the calendar.

**2011 TESTIMONY**

**HB 1298**





# NORTH DAKOTA HOUSE OF REPRESENTATIVES

STATE CAPITOL  
600 EAST BOULEVARD  
BISMARCK, ND 58505-0360

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COMMITTEES:  
Education  
Political Subdivisions

Attachment  
1  
1298

## Proposed jurisdiction of ethics committee as proposed by House Bill 1298

Section 9, Article IV	Legislative officer prohibited from solicitation of bribery or bribery; expulsion
12.1-12	Bribery; unlawful influence of a public official
12.1-13-01	Disclosure of confidential information provided to government
12.1-13-03	Public servant's interest in public contracts
12.1-14-02	Interference with elections
12.1-14-03	Safeguarding elections
12.1-23-03	Theft of services
12.1-23-05	Grading of theft of services
12.1-23-07	Misapplication of entrusted property
16.1-08.1	Campaign contribution statements
16.1-09	Statement of interests
16.1-10	Corrupt practices
39-01-03	Motor vehicle owned by the state...not to be used for private use or in political activities
39-01-05	Expenses not to be collected by state officers or employees engaged in political activity
44-08-19	Political activities by public employees prohibited while on duty
48-01.2-08	Officers must not be interested in contract
54-02-01	Great seal – permitted uses – penalty for commercial use
54-05.1	Legislative lobbying
54-06-12	Publishing false statements – penalty