

2011 HOUSE JUDICIARY

HB 1314

2011 HOUSE STANDING COMMITTEE MINUTES

House Judiciary Committee
Prairie Room, State Capitol

HB 1314
January 19, 2011
13106

☐ Conference Committee

Committee Clerk Signature



Minutes:

Chairman DeKrey: We will open the hearing on HB 1314.

Rep. Andy Maragos: Sponsor, support. I introduced this bill on behalf of the Secretary of State's Office. The Secretary of State feels that he needs some teeth in the law to enforce people who are lobbying without their registration and I'll let him give a broader explanation on why this is needed.

Chairman DeKrey: Thank you.

Al Jaeger, Secretary of State: The reason for this particular bill, due to the power failure I don't have written testimony. Right now, under current law, if there is somebody like in this session that is not registered with our office and is lobbying, the only recourse that we have is to refer them to the state's attorneys, because it is a criminal infraction. With the backload of cases on state's attorney's desk, this will not rise to a high priority, yet we're placed in a position where somebody wants us to do something. We suspect that most state's attorneys would say "are they registered now". Most of the time, when these situations happen, it's because somebody just overlooked doing it or didn't know. It isn't something that was meant to be intentional. So they come into our office, they get registered and so we tell the state's attorney that they're registered. At that point, the state's attorneys won't do anything. What we've done in other parts of state law, for instance with contractors, again the option is for criminal prosecution. Again, the goal is just to get them licensed. If they willingly come in and get licensed, we charge a penalty fee. This bill will double the fee for the lobbyist, if it is reported to our office and they come in and get registered. There is some hand slapping, where people will realize that they've done something wrong. You can imagine if my only option is to refer to the State's attorney, nothing happens. This is just an attempt to have something that would place.

Rep. Delmore: How much would that doubled fee amount be.

Al Jaeger: It is \$25 now, so it would be \$50.

Rep. Hogan: How often do you get complaints like this and how frequently are you involved in these situations.

Al Jaeger: Rarely, but when it happens, like in last session, there was somebody and when somebody on the opposite side of an issue finds out, then they want me to do something. The only option right now is to go to the state's attorney. They want something to happen. This will be a penalty that we can collect. If it is a serious issue we can still go to the state's attorney. Most of the time, everybody is really good about it. I suspect, before the session is over, we will get about 600 registered lobbyists.

Chairman DeKrey: What would happen to a lobbyist that is registered to lobby for an organization, and some bill is heard and it doesn't go the way citizen or business wants it to go. If they see this lobbyist in the hallway and ask him to represent that citizen or business, and the bill is being heard right now, they want him to go into the hearing and represent them. So they wouldn't have time to run up to the Secretary of State, fill out another form, and pay \$25, so then they go testify and then go up to the office and take care of that when they have time. What would happen in that case.

Al Jaeger: As I understand it, we register the individual; we do not register the organization. So the first registration is \$25. You can add any additional organizations for \$15 with a letter of authorization, so it would then become \$30.00.

Rep. Klemin: The reference to the penalty not to exceed 2x the amount set forth in section 54-05.1-03. This section has several different fees in it actually. So I think there might be a need to make this just a little more explicit as to what you might be talking about. As you mentioned, there is a \$25 fee for registering, there's a fee of \$15 for each subsequent person represented by the lobbyist, there's another fee in here for filing reports, so when it refers to just this entire section about the fee specific in this section, you can see that there are other different fees here. We've got a \$25 fee for filing a report within 60 days, if you don't, it is a penalty of \$50. Just to make it clear which fee you are talking about.

Al Jaeger: I can certainly go back to our attorney in the AG's office who helped prepare this, because the whole reason that we put in what you're talking about, the late filing fee, is again the only option I had was to refer to the state's attorney. The report that's due with this lobbyist registration year, they can file for free with us, but rather than have it continue on and on, there are two levels of penalty. We can certainly go back and take care of that.

Rep. Koppelman: I noticed the language on line 12 says that the person may be assessed a civil penalty, and then on line 14 it says that any civil penalty must be assessed. Is that a contradiction, or is it just saying that if you do assess one, it must be assessed before they get a certificate.

Al Jaeger: That would be my understanding.

Rep. Koppelman: There isn't a fiscal note on this, do you anticipate any revenue increase and if so, where would it go.

Al Jaeger: I guess if we have one or two, the fiscal note would be about \$50-100.

Rep. Koppelman: What happens now if a lobbyist doesn't register as it was pointed out to you last session. You say you pass it on to the state's attorney, but they are notified somehow, I assume by somebody in your office, and what has been the response. Have you had people say that they're not going to register, or do they usually comply once they know.

Al Jaeger: Once they are made aware of it, they comply. Of course, that's where the rub comes in, they can apply and nothing happens to him. This is just a monetary penalty that can be assessed.

Rep. Onstad: Was there consideration if they all do come back in and comply, can you call it a late filing fee and just say it is \$100. We have that in other sections, where if they file late there is a penalty.

Al Jaeger: I guess we just basically followed what we do in contractor law, where it's doubled. We didn't come up with anything like that. I guess from our standpoint that doesn't necessarily create a problem we just feel that there has to be some kind of financial penalty. It needs to hurt the pocketbook a little.

Chairman DeKrey: Thank you. Further testimony in support. Testimony in opposition. We will close the hearing.


2011 HOUSE STANDING COMMITTEE MINUTES

House Judiciary Committee
Prairie Room, State Capitol

HB 1314
January 26, 2011
13431

☐ Conference Committee

Committee Clerk Signature



Minutes:

Chairman DeKrey: We will take a look at HB 1314. That is the Secretary of State's bill, where he adds a penalty for lobbyists who file late. There is an amendment here. What are the committee's wishes.

Rep. Maragos: I move the amendments.

Rep. Brabandt: Second the motion.

Chairman DeKrey: Voice vote, motion carried. We now have the bill before us as amended.

Rep. Maragos: I move a Do Pass as Amended on HB 1314.

Rep. Brabandt: Second the motion.

Rep. Koppelman: I'm not sure if I really like what this attempts to do. I understand what the Secretary is saying, I'm looking at the unamended bill here on line 14, where it says that a civil penalty must be assessed, so they are creating another fine, another situation where people are penalized. What struck me in the testimony was that I don't think anybody is doing this blatantly. Typically they are coming in, sometimes not knowing really what's going on, or what our system is, and you can fault them for that, I know that they should be doing their homework. What constitute's a lobbyist, they might have been asked to come and testify by their civic club or whatever; they pop in and all of a sudden they are in trouble because they aren't a registered lobbyists. I think our system works pretty well right now, I know that they may need to be reminded, but the Secretary testified that when that happens they comply, they go up and pay their money. I just don't like penalizing this.

Rep. Klemin: I guess I read line 14, where it says any civil penalty must be assessed, not to mean that they must assess a penalty, but if they are going to

assess one, they must do it before they issue a certificate of registration. I think it goes back up to line 11, says may be assessed.

Rep. Steiner: I actually see people come in and lobby all the time and they don't have tag. I think it is abused, but that's my perspective. Former Governor Schafer was down in the media room, and he's lobbying to reduce that extraction tax, and he doesn't have a tag.

Rep. Koppelman: But that's another thing, I don't know, it's probably defined somewhere in the law what constitutes a lobbyist. I think you have to be representing someone other than yourself. If he's just saying that he likes this or that, he's a citizen and can do that, and that doesn't make him a lobbyist. I think it has to do with representing an organization or another party. Isn't that correct.

Rep. Delmore: We have had cases where lobbyists who do know what the law is and have come before committees without registering with the Secretary of State's office. I think this says that it's not okay, and that's the reason why it was put forth.

Chairman DeKrey: I guess my opinion is that maybe a first time lobbyist is a little ignorant of the law, but I think the rest of them are professionals and they know exactly what the law is. We've got it in a position now where you can go illegally lobby for something if somebody grabs you in the hall, and then Secretary of State can't do anything about it. Then other lobbyists that have followed the rules and played by the game are upset. It's his area of expertise. He's the one that has to watch the lobbyists. If he wants to fine them, he's the one that's got to stand for election.

Rep. Koppelman: I'm not hard and fast on this, I just was wondering if it was that big a deal.

Chairman DeKrey: I don't think it is.

Rep. Klemin: I think the other thing to note is that the only other alternative he has is to refer the case to the state's attorney for prosecution and that gets pretty low priority in the state's attorney's office so I think this is an alternative that at least allows the Secretary of State to do something other than referring the case for prosecution.

Rep. Steiner: I think sometimes it's just the notice that you've had to pay a \$25 fine for something that you may not have done right. It's not so much the money, it's just a statement that you didn't do it right.

Chairman DeKrey: The clerk will call the roll on a Do Pass as amended motion.

12 YES 0 NO 2 ABSENT DO PASS AS AMENDED CARRIER: Rep. Brabandt

January 26, 2011

YK
1/27/11

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1314

Page 1, line 13, after the second "in" insert "subdivision e of subsection 1 of"

Page 1, line 14, after "54-05.1-03" insert "which is chargeable to a lobbyist"

Renumber accordingly

Date: 1/26/11
Roll Call Vote # 1

2011 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1314

House JUDICIARY Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number 11. 8186, 01001 . 02000

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

☐ Rerefer to Appropriations ☐ Reconsider

Motion Made By Rep. Maragos Seconded By Rep. Brabandt

Representatives	Yes	No	Representatives	Yes	No
Ch. DeKrey			Rep. Delmore		
Rep. Klemin			Rep. Guggisberg		
Rep. Beadle			Rep. Hogan		
Rep. Boehning			Rep. Onstad		
Rep. Brabandt					
Rep. Kingsbury					
Rep. Koppelman					
Rep. Kretschmar					
Rep. Maragos					
Rep. Steiner					

Total (Yes) 12 No 0

Absent 2

Floor Assignment _____

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

REPORT OF STANDING COMMITTEE

HB 1314: Judiciary Committee (Rep. DeKrey, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1314 was placed on the Sixth order on the calendar.

Page 1, line 13, after the second "in" insert "subdivision e of subsection 1 of"

Page 1, line 14, after "54-05.1-03" insert "which is chargeable to a lobbyist"

Renumber accordingly

2011 SENATE JUDICIARY

HB 1314

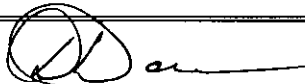
2011 SENATE STANDING COMMITTEE MINUTES

Senate Judiciary Committee
Fort Lincoln Room, State Capitol

HB 1314
3/28/11
Job # 16050

☐ Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

Relating to civil penalty for persons lobbying without registration with the Secretary of State

Minutes:

There is written testimony

Senator Nething – Chairman

Representative Margos – Introduces and explains the bill.

Al Jaeger – Secretary of State – See written testimony.

Senator Nething – Asks if the registration fee is \$25 and replacement for the badge is \$10.

Jaeger – Says you receive the badge as part of the registration fee. He says they have a special badge making machine and time involved.

Senator Sitte – Asks how big a problem this is.

Jaeger – Says it isn't a lot but one can be a big issue.

Senator Sorvaag – Asks about the rules to testify.

Jaeger – Reads from the law that it doesn't apply to persons testifying on their own behalf.

Senator Nelson – Wonders if we aren't specific enough.

Jaeger – Said he should have been registered but he can't police it. He said they tell people that when in doubt register. He goes on to explain that the lobbying law states that anyone who is trying to influence the decisions of the legislature and the Governor for the passage or defeat of a piece of legislation. If they are doing it on their own behalf they don't have to register.

Senator Sitte – Asks what is considered a professional organization?

Jaeger – Replies if you testify for anybody but yourself.

Senator Nething – Asks how the proposed bill deals with someone who doesn't register.

Jaeger – Said they would be charged the \$25 registration plus \$50. They could also be charged with criminal prosecution.

Opposition – 0

Neutral – 0

Close the hearing on 1314

Senator Olafson moves to adopt the amendment

Senator Lyson seconded

Verbal vote – all yes

Senator Olafson moves do pass as amended

Senator Sorvaag seconded

Roll call vote – 6 yes, 0 no

Senator Sorvaag will carry

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1314

Page 1, line 1, after "reenact" insert "subsection 1 of section 54-05.1-03 and"

Page 1, line 2, after "to" insert "a duplicate lobbyist badge and to"

Page 1, after line 4, insert:

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

1. a. Before engaging in any of the activities listed in section 54-05.1-02, an individual shall 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]. If a lobbyist's official badge is lost or destroyed, the lobbyist may obtain a duplicate badge by applying to the secretary of state and paying a fee of ten dollars.
- b. The registrant shall state in writing:
 - (1) The registrant's full name and business address; and
 - (2) The name and address of any person upon whose behalf the registrant appears, any person in whose interest the registrant appears or works, the duration of 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.
- d. Each lobbyist shall file with the secretary of state, before the issuance of a certificate of registration, a written authorization to act as a lobbyist. The authorization must be signed by the official of the corporation, limited liability company, association, group, or

organization employing the lobbyist and may be filed by facsimile transmission.

- e. The secretary of state shall charge a fee of twenty-five dollars for registering each lobbyist and the first person represented by the lobbyist and an additional fee of fifteen dollars for each subsequent person represented by the lobbyist."

Page 1, line 5, replace "1." with "2."

Renumber accordingly

Date: 3/28
Roll Call Vote # 1

2011 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1314

Senate Judiciary 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 Senator Olafson Seconded By Senator Lyson

Senators	Yes	No	Senators	Yes	No
Dave Nething - Chairman			Carolyn Nelson	1	
Curtis Olafson - V. Chairman					
Stanley Lyson					
Margaret Sitte					
Ronald Sorvaag					

Total (Yes) _____ No _____

Absent _____

Floor Assignment Senator

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

Verbal yes

Date: 3/28
Roll Call Vote # 2

2011 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1314

Senate Judiciary 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 Senator Olafson Seconded By Senator Sorvaag

Senators	Yes	No	Senators	Yes	No
Dave Nething - Chairman	X		Carolyn Nelson	X	
Curtis Olafson - V. Chairman	X				
Stanley Lyson	X				
Margaret Sitte	X				
Ronald Sorvaag	X				

Total (Yes) 6 No 0

Absent _____

Floor Assignment Senator Sorvaag

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

REPORT OF STANDING COMMITTEE

HB 1314, as engrossed: Judiciary Committee (Sen. Nething, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1314 was placed on the Sixth order on the calendar.

Page 1, line 1, after "reenact" insert "subdivision a of subsection 1 of section 54-05.1-03 and"

Page 1, line 2, after "to" insert "a duplicate lobbyist badge and to"

Page 1, after line 4, insert:

"SECTION 1. AMENDMENT. Subdivision a of subsection 1 of section 54-05.1-03 of the North Dakota Century Code is amended and reenacted as follows:

- a. Before engaging in any of the activities listed in section 54-05.1-02, an individual shall 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]. If a lobbyist's official badge is lost or destroyed, the lobbyist may obtain a duplicate badge by applying to the secretary of state and paying a fee of ten dollars."

Renumber accordingly

2011 TESTIMONY

HB 1314

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1314

Page 1, line 13, after the second "in" insert "subdivision e of subsection 1 of"

Page 1, line 14, after "54-05.1-03" insert "chargeable to the lobbyist"

Renumber accordingly

Al's Notes 1/19/11

Whether a person is subjected to criminal prosecution under this section, and in addition to the registration fee that may be assessed when the person submits the registration to the secretary of state, the person may be assessed a civil penalty by the secretary of state, following written notice to the person of an intent to assess the penalty, in an amount not to exceed two times the amount set forth in subdivision e of subsection 1 of section 54 - 05.1 - 03 chargeable to the lobbyist. Any civil penalty must be assessed and collected before a person is issued a certificate of registration. The assessment of a civil penalty may be appealed to the district court of the person's county of residence or Burleigh County, but only on the basis that the secretary of state's administrative determination that the person acted as a lobbyist when not registered as a lobbyist was clearly erroneous.

134 ①

ALVIN A. JAEGER
SECRETARY OF STATE

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SECRETARY OF STATE
STATE OF NORTH DAKOTA
600 EAST BOULEVARD AVENUE DEPT 108
BISMARCK ND 58505-0500

March 28, 2011

TO: Senator Nething, Chairman, and Members of the Senate Judiciary Committee

FR: Al Jaeger, Secretary of State

RE: HB 1314 – Lobbying

Under current law, the only remedy for lobbying without being registered is to pursue criminal prosecution for the violator because he or she is guilty of an infraction under N.D.C.C. § 54-05.1-07.

Since the ultimate goal is to have the person registered, prosecution is not pursued by authorities if the violator becomes registered at the time when the non-registration violation was noted.

Nevertheless, even though the person (violation) has registered, it has been advocated by some persons that there should still be a penalty short of prosecution because the law was violated.

Therefore, this bill allows the Secretary of State, when the violation was discovered and the person registers, to assess a civil penalty of not more than two times the amount of the registration fee of \$25. This would be in addition to the registration fee for a total of \$75.

I am also requesting your consideration in adopting the attached amendment. It is being offered because of events that have occurred during the current session. That is, under N.D.C.C. § 54-05.1-03(1)(a) and 54-05.1-04(c), the Secretary of State is to provide each registered lobbyist with a distinctive lobbyist identification (ID) badge. That has been done.

A lobbyist can, however, not choose to wear the ID badge furnished by the Secretary of State's office. They may use a different ID badge as long as it provides the information required by N.D.C.C. § 54-05.1(1)(a).

The reason for this particular amendment is that lobbyists choosing to wear the Secretary of State's furnished ID badge have requested a replacement badge because they have lost the one provided to him or her at the time they registered. While this office is willing to provide a replacement badge, it does come with a cost. And, it was discovered that current state law does not allow the Secretary of State to recover that cost. This amendment will allow the Secretary of State to charge a fee for a replacement lobbyist ID badge.

CHAPTER 54-05.1 LEGISLATIVE LOBBYING

54-05.1-01. Legislative intent. It is hereby declared to be the intent of the legislative assembly to require that lobbyists register as such before engaging in lobbying activity and to require certain reporting procedures by lobbyists.

54-05.1-02. Applicability - Meaning of lobbyist.

1. This chapter applies to any person who, in any manner whatsoever, directly or indirectly, performs any of the following activities:
 - a. Attempts to secure the passage, amendment, or defeat of any legislation by the legislative assembly or the approval or veto of any legislation by the governor of the state.
 - b. Attempts to influence decisions made by the legislative management or by an interim committee of the legislative management.
2. This chapter does not apply to any person who is:
 - a. A legislator.
 - b. A private citizen appearing on the citizen's own behalf.
 - c. An employee, officer, board member, volunteer, or agent of the state or its political subdivisions whether elected or appointed and whether or not compensated, who is acting in that person's official capacity.
 - d. Invited by the chairman of the legislative management, an interim committee of the legislative management, or a standing committee of the legislative assembly to appear before the legislative management, interim committee, or standing committee for the purpose of providing information.
 - e. An individual who appears before a legislative committee for the sole purpose of presenting testimony on behalf of a trade or professional organization or a business or industry if the individual is introduced to the committee by the registered lobbyist for the trade or professional organization or the business or industry.
3. For the purposes of this chapter, persons required to register under this chapter because of the performance of the activities described in subsection 1 must be known as "lobbyists".

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

1. a. Before engaging in any of the activities listed in section 54-05.1-02, an individual shall 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:
 - (1) The registrant's full name and business address; and
 - (2) The name and address of any person upon whose behalf the registrant appears, any person in whose interest the registrant appears or works, the duration of 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.
 - d. Each lobbyist shall file with the secretary of state, before the issuance of a certificate of registration, a written authorization to act as a lobbyist. The authorization must be signed by the official of the corporation, limited liability company, association, group, or organization employing the lobbyist and may be filed by facsimile transmission.
 - e. The secretary of state shall charge a fee of twenty-five dollars for registering each lobbyist and the first person represented by the lobbyist and an additional fee of fifteen dollars for each subsequent person represented by the lobbyist.
2. Each 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 sixty dollars or more expended on any single occasion 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 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.
3. If 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.
4. All information required to be filed under 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 the information is filed and the files must be open and accessible for public inspection during the normal working hours.

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

1. The secretary of state shall:

- a. Grant a certificate of registration and design and furnish a distinctive lobbyist identification badge to any individual registering under section 54-05.1-03 who supplies the required information.
 - b. Revoke the certificate of registration of any individual who has been convicted of violating any provision of this chapter.
 - c. Refer on the secretary of state's own motion or on the verified complaint of any other person, to the attorney general for investigation, the activities of any individual who the secretary of state has reason to believe has been acting as a lobbyist and who may be in violation of this chapter.
 - d. 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 registrant's work.
 - e. Supply a current list of registered lobbyists for each legislator upon request.
2. The secretary of state may revoke the certificate of registration issued under this chapter for failure to file the reports required by this chapter when due, but no certificate may be revoked if, before the last day for filing the reports, the secretary of state has been informed in writing of extenuating circumstances justifying 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.

54-05.1-05. Invitations and gifts to legislators.

1. When any lobbyist invites a legislator to attend a function sponsored in whole or in part by the lobbyist or the principal, the lobbyist shall, upon the request of the legislator, supply the legislator with the true or estimated cost of the gratuity and allow the legislator to attend the function and pay the legislator's own share of the expenses.
2. When any lobbyist offers a gift of a non-information-bearing nature to a legislator, the lobbyist shall, upon the request of the legislator, supply the legislator with the true or estimated cost of the gratuity and allow the legislator to pay the cost of and receive the gift.

54-05.1-06. Unlawful means to influence legislative assembly. In addition to the violation of any other provision of this chapter, it is unlawful for any lobbyist or for any other person:

1. To directly or indirectly give or agree to give any money, property, or valuable thing, or any security therefor, to any person for that person's service or the service of any other person in procuring the passage or defeat of any measure before the legislative assembly or either house thereof, or before any committee thereof, upon the contingency or condition that any measure will be passed or defeated.
2. To directly or indirectly receive or agree to receive any such money, property, thing of value, or security for such service, upon any such contingency or condition, as set forth in the preceding subsection.

3. To attempt to influence any member of the legislative assembly without first making known to such member the real and true interest the person has in such measure, either personally or as agent or attorney.

54-05.1-07. Penalty. Any person who violates any provisions of this chapter is guilty of a class B misdemeanor except that a violation of section 54-05.1-02 or 54-05.1-03 is an infraction.