

TESTIMONY OF DAVE THIELE
EXECUTIVE DIRECTOR, NORTH DAKOTA ETHICS COMMISSION
BEFORE THE
SENATE JUDICIARY COMMITTEE
January 12, 2021

Mr. Chairman and Members of the Judiciary Committee, my name is Dave Thiele, Executive Director of the North Dakota Ethics Commission. SB 2034 is the result of a combined effort between Representative Klemin and the Ethics Commission to address a significant gap in the ability of the Commission fulfil its constitutional mandate.

The ability to issue advisory opinions that can be relied on by public officials and then to publish opinions for education is an important aspect of an effective ethics program. SB 2034 provides authority to the Commission to issue written advisory opinions in response to written requests from public officials, candidates for elected office, and lobbyists. Opinions can be based on actual or hypothetical facts, but not on past conduct. The issuance of an advisory opinion is discretionary with the Ethics Commission. Within 14 days after the receipt of a request for an opinion, the Ethics Commission must notify the requester whether an opinion will be provided and then has 90 days to issue the opinion. The bill provides that criminal and civil penalties may not be imposed upon an individual who acts, in good faith, in accordance with an ethics advisory opinion. The opinions are required to be made available to the public on the website of the Ethics Commission or on another readily available medium which will serve to educate other public officials. This language fills a gap concerning the scope of Article XIV, the statutes, and the rules of the Ethics Commission relating to transparency, corruption, elections, and lobbying, and provides a means for written interpretations of that scope that the public can rely on.

Mr. Chairman, Members of the Judiciary Committee, I would be happy to answer any questions.