

**FIRST ENGROSSMENT
with Senate Amendments
ENGROSSED HOUSE BILL NO. 1451**

Introduced by

Representatives Kasper, Beadle, Becker, Dosch, Monson, Nathe, Owens, Streyle, Thoreson
Senators Berry, Klein, Wardner

1 A BILL for an Act to amend and reenact sections 16.1-08.1-03.1, 29-10.1-02, 29-10.1-21, and
2 29-10.1-22 of the North Dakota Century Code, relating to disclosure requirements for petition
3 sponsors and the requirements for calling and the duties of a grand jury.

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

5 **SECTION 1. AMENDMENT.** Section 16.1-08.1-03.1 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **16.1-08.1-03.1. Contributions statement required of persons and measure committees**
8 **circulating or promoting passage or defeat of initiated or referred measure - Statement of**
9 **petition sponsors.**

- 10 1. At the time the sponsoring committee for an initiated measure petition submits signed
11 petitions to the secretary of state, the committee also shall submit a statement
12 disclosing the total amount of contributions received by the committee to aid the
13 committee in drafting and circulating the petition, the name and mailing address of
14 each person that contributed more than one hundred dollars in the aggregate to the
15 sponsoring committee, the date each such contribution was received, and the total
16 amount of expenditures made by the committee to aid in the drafting and circulation of
17 the petition.
- 18 2. Any person or measure committee, as described in section 16.1-08.1-01, that is
19 soliciting or accepting a contribution for the purpose of aiding or opposing the
20 circulation or passage of a statewide initiative or referendum petition or measure
21 placed upon a statewide ballot by action of the legislative assembly at any election
22 shall file a statement in accordance with this subsection if the person has received any
23 contribution in excess of one hundred dollars. The statement must include the name
24 and mailing address of each person that contributed in excess of one hundred dollars

1 to the person, the amount of each reportable contribution, and the date each
2 reportable contribution was received. The statement must include the name and
3 mailing address of each recipient of an expenditure exceeding one hundred dollars in
4 the aggregate, the amount of each reportable expenditure, and the date the
5 expenditure was made.

6 3. A person or measure committee that is soliciting or accepting a contribution for the
7 purpose of aiding or opposing the circulation or passage of a statewide initiative or
8 referendum petition or measure placed upon a statewide ballot by action of the
9 legislative assembly may not accept a contribution of more than one hundred dollars
10 from an out-of-state person or political committee unless the contribution is
11 accompanied by a certified statement from the contributor listing the name, address,
12 and amount contributed by each person that contributed more than one hundred
13 dollars of the contribution. The statement must indicate if no person contributed in
14 excess of one hundred dollars of the out-of-state person's or political committee's
15 overall contribution. The certified statement must also list the occupation, employer,
16 and principal place of business for each individual who contributed more than one
17 hundred dollars of the contribution. The person soliciting or accepting a contribution for
18 the purpose of aiding the circulation of a statewide initiative or referendum petition or
19 of promoting passage or defeat of a statewide initiated or referred measure shall
20 include this statement with the contribution statement required to be filed under
21 subsection 2.

22 4. The statement required of a person or measure committee under subsection 2 must
23 be filed with the secretary of state no later than the twelfth day before the date of the
24 election in which the measure appears or would have appeared on the ballot complete
25 from the beginning of that calendar year through the twentieth day before the date of
26 the election. A complete statement for the entire calendar year for each statement
27 required to be filed under subsections 2 and 3 must be filed no later than the thirty-first
28 day of January of the following year. Even if a person required to report according to
29 this section has not received any contributions in excess of one hundred dollars during
30 the reporting period, the person shall file a statement as required by this chapter. A

1 statement filed according to subsections 2 and 3 during the reporting period must
2 show the following:

- 3 a. The gross total of all contributions received and expenditures made in excess of
4 one hundred dollars;
5 b. The gross total of all contributions received and expenditures made of one
6 hundred dollars, or less; and
7 c. The cash on hand in the filer's account at the start and close of the reporting
8 period.

9 5. Within one hundred eighty days after the approval of a petition to initiate or refer a
10 measure or to recall an official or after the submission of a petition to convene a grand
11 jury as provided under section 29-10.1-02, the sponsoring committee or the individual
12 responsible for submission of the petition shall file a statement with the secretary of
13 state which discloses whether petition circulators have been or will be paid for the
14 circulation of petitions and which lists the total amount of money paid or which is
15 expected to be paid to circulators.

16 **SECTION 2. AMENDMENT.** Section 29-10.1-02 of the North Dakota Century Code is
17 amended and reenacted as follows:

18 **29-10.1-02. When grand jury may be called.**

19 No grand jury may be drawn, summoned, or convened in any county within this state unless
20 the district judge thereof shall so direct by a written order filed with the clerk of the court in the
21 county wherein the said grand jury is required to attend. Any judge of the district court for any
22 county must direct, in the manner herein provided, that a grand jury be drawn and summoned to
23 attend whenever:

- 24 1. The judge deems the attendance of a grand jury necessary for the due enforcement of
25 the laws of the state;
26 2. ~~The board of county commissioners~~state's attorney of the county wherein the court is
27 to be held, in writing, requests the judge so to do; or
28 3. A petition in writing requesting the same is presented to the judge, signed by qualified
29 electors of the county equal in number to at least ~~ten~~twenty-five percent of the total
30 vote cast in the county for the office of governor of the state at the last general

1 election, but the number of signatures required may not be fewer than two hundred
2 twenty-five nor exceed five thousand.

3 **SECTION 3. AMENDMENT.** Section 29-10.1-21 of the North Dakota Century Code is
4 amended and reenacted as follows:

5 **29-10.1-21. General duties of grand jury.**

6 ~~The grand jury shall inquire into the cause of detention of every person imprisoned in the jail~~
7 ~~of the county against whom neither a criminal complaint nor information has been filed, or who~~
8 ~~has not had or waived a preliminary examination, and into all public offenses committed or~~
9 ~~triable in the county, and if the evidence so warrants, shall present them to the court by written~~
10 ~~indictment.~~Each grand jury impaneled within any county shall inquire into offenses against the
11 criminal laws of the state alleged to have been committed within that county. The alleged
12 offenses may be brought to the attention of the grand jury by the court or by any state's attorney
13 or the state's attorney's designee. The state's attorney or the state's attorney's designee shall
14 inform the grand jury of the alleged offense, the identity of the alleged offender, and the state's
15 attorney or state's attorney's designee's action or recommendation. As to any offense
16 committed while the grand jury is in session, the state's attorney or prosecutor may proceed
17 with a preliminary examination or the filing of an information, as provided for by law, and
18 prosecute the charge, and, under such conditions, the grand jury is not required to inquire into
19 such offense. The presentment of an indictment against a person does not preclude the
20 prosecution of such person for the same offense upon a criminal complaint or information
21 previously filed with the court.

22 **SECTION 4. AMENDMENT.** Section 29-10.1-22 of the North Dakota Century Code is
23 amended and reenacted as follows:

24 **29-10.1-22. Subjects of grand jury inquiry.**

25 Whenever directed by the district court, the grand jury shall inquire into:

- 26 1. The condition and management of the public prisons in the county; and
27 2. Willful and corrupt felonious misconduct in office of public officials of every description
28 in the county.