

Introduced by

Legislative Management

(Judiciary Committee)

1 A BILL for an Act to create and enact a new section to chapter 54-66 of the North Dakota  
2 Century Code, relating to written advisory opinions regarding ethics.

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

4 **SECTION 1.** A new section to chapter 54-66 of the North Dakota Century Code is created  
5 and enacted as follows:

6 **Advisory opinions - Authority - Effect.**

- 7 1. In response to a request from a public official, candidate for elected office, or lobbyist,  
8 the ethics commission may provide a written advisory opinion regarding the  
9 application of the following to ~~a specified set of hypothetical facts or actual~~  
10 ~~facts~~prospective conduct:
- 11 a. Article XIV of the Constitution of North Dakota; or  
12 b. State statutes and ethics commission rules related to transparency, corruption,  
13 elections, and lobbying.
- 14 2. Within fourteen days after receiving a request for a written advisory opinion, the ethics  
15 commission shall notify the requester whether an opinion will be provided.
- 16 3. Within ninety days after notifying a requester that a written advisory opinion will be  
17 issued, the ethics commission shall issue the opinion.
- 18 4. Criminal and civil penalties may not be imposed upon an individual for an action taken  
19 in accordance with an opinion issued under this section if:
- 20 a. The individual acts in good faith; and  
21 b. The material facts surrounding the action taken are ~~substantially~~ the same as the  
22 ~~facts~~conduct presented in the opinion.
- 23 5. Opinions and requests for opinions under this section are open records, except names  
24 of persons in the opinions and requests are exempt records.

1       6. The ethics commission shall publish all written advisory opinions issued under this  
2       section on a website ~~or in another medium readily available~~that is accessible to the  
3       public.