

HOUSE BILL NO. 1485

Introduced by

Representatives Kasper, Headland, Heinert, Koppelman, Lefor, Louser, Monson, Rohr,
Steiner

Senators Meyer, Paulson, Veda

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 the authority of the ethics commission; and to amend and reenact~~
3 ~~subsection 5 of section 28-32-08.1 and section 54-66-11 of the North Dakota Century Code,~~
4 ~~relating to the rulemaking process of the ethics commission~~for an Act to create and enact a new
5 section to chapter 54-66 of the North Dakota Century Code, relating to legislative assembly
6 conflict of interest rules; to provide for application; and to declare an emergency.

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

8 ~~SECTION 1. AMENDMENT.~~ Subsection 5 of section 28-32-08.1 of the North Dakota
9 Century Code is amended and reenacted as follows:—

10 ~~5.~~ This section does not apply to the ethics commission, any agency that is an
11 occupational or professional licensing authority, and the following agencies or divisions
12 of agencies:

- 13 ~~a.~~ Council on the arts.
- 14 ~~b.~~ Beef commission.
- 15 ~~c.~~ Dairy promotion commission.
- 16 ~~d.~~ Dry bean council.
- 17 ~~e.~~ Highway patrolmen's retirement board.
- 18 ~~f.~~ Indian affairs commission.
- 19 ~~g.~~ Board for Indian scholarships.
- 20 ~~h.~~ State personnel board.
- 21 ~~i.~~ Potato council.
- 22 ~~j.~~ Board of public school education.
- 23 ~~k.~~ Real estate trust account committee.

- 1 ~~l. Seed commission.~~
- 2 ~~m. Soil conservation committee.~~
- 3 ~~n. Oilseed council.~~
- 4 ~~o. Wheat commission.~~
- 5 ~~p. State seed arbitration board.~~
- 6 ~~q. North Dakota lottery.~~

7 ~~**SECTION 2. AMENDMENT.** Section 54-66-11 of the North Dakota Century Code is~~
8 ~~amended and reenacted as follows:~~

9 ~~**54-66-11. Rulemaking.**~~

10 ~~When adopting rules, the ethics commission shall follow is subject to the provisions in~~
11 ~~chapter 28-32 which are specifically applicable to the commission.~~

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

14 ~~**Limitations - Constitutional authority.**~~

15 ~~1. Under subsection 5 of section 2 of article XIV of the Constitution of North Dakota:~~

16 ~~a. The ethics commission is authorized to enforce regulations relating to the~~
17 ~~appearance of bias among directors, officers, commissioners, heads, or other~~
18 ~~executives of agencies.~~

19 ~~b. The legislative assembly and ethics commission are authorized to adopt~~
20 ~~legislation and rules relating to the appearance of bias among directors, officers,~~
21 ~~commissioners, heads, or other executives of agencies.~~

22 ~~2. Under subsection 2 of section 3 of article XIV of the Constitution of North Dakota, the~~
23 ~~ethics commission only may adopt rules relating to corruption, transparency, elections,~~
24 ~~and lobbying. This section does not include the authority to adopt rules imposing~~
25 ~~regulations related to conflicts of interest.~~

26 ~~3. Rules adopted in violation of this section are void.~~

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

29 **Conflicts of interest - Legislative assembly.**

30 **1. Each legislative assembly shall adopt conflict of interest rules. The rules must:**

- 1 a. Require the disclosure by a member of a potential conflict of interest relating to
- 2 any bill in which the member may have a direct, unique, substantial, or individual
- 3 interest.
- 4 b. Ensure a mechanism is in place to record each disclosure and make it readily
- 5 available to the public.
- 6 2. If the legislative assembly adopts rules under subsection 1 which are at least as
- 7 restrictive as the conflict of interest rules adopted by the ethics commission, the
- 8 disclosure process portion of the conflict of interest rules adopted by the ethics
- 9 commission may not apply to members of the legislative assembly.

10 **SECTION 2. APPLICATION.** House Rule 321, Senate Rule 321, and associated rules
11 relating to conflicts of interest of legislators, as enacted by the sixty-eighth legislative assembly,
12 are at least as restrictive as the conflict of interest rules adopted by the ethics commission and
13 control conflict of interest disclosure for members of the legislative assembly.

14 **SECTION 3. EMERGENCY.** This Act is declared to be an emergency measure.