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]. 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.

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 website.

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. 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 which is chargeable to a 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.