

HOUSE BILL NO. 1298

Introduced by

Representatives Mock, Kaldor, S. Meyer

Senator Taylor

1 A BILL for an Act to create and enact a new section to chapter 54-35 of the North Dakota
2 Century Code, relating to the creation of a state ethics committee.

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

4 **SECTION 1.** A new section to chapter 54-35 of the North Dakota Century Code is created
5 and enacted as follows:

6 **State ethics committee - Membership - Responsibilities - Referral of complaints.**

7 1. The state ethics committee is composed of eleven members as follows:

8 a. Four members of the house of representatives, two of whom must be selected by
9 the leader representing the majority faction of the house of representatives and
10 two of whom must be selected by the leader representing the minority faction of
11 the house of representatives;

12 b. Four members of the senate, two of whom must be selected by the leader
13 representing the majority faction of the senate and two of whom must be selected
14 by the leader representing the minority faction of the senate;

15 c. The state health officer, or the state health officer's designee, who shall serve as
16 a nonvoting member;

17 d. A member of the state bar association of North Dakota, appointed by the board of
18 governors of the association, who shall serve as a nonvoting member;

19 e. The secretary of state, who shall serve as chairman of the committee, but serve
20 as a nonvoting member.

21 2. Any individual may submit a written complaint to the secretary of state alleging an
22 elected official or an individual subject to chapter 54-05.1 has committed a violation of
23 section 9 of article IV of the Constitution of North Dakota, chapter 12.1-12, section
24 12.1-13-01, 12.1-13-03, 12.1-14-02, 12.1-14-03, 12.1-23-03, 12.1-23-05, or

- 1 12.1-23-07, chapter 16.1-08.1, 16.1-09, or 16.1-10, section 39-01-03, 39-01-05,
2 44-08-19, 48-01.2-08, or 54-02-01, chapter 54-05.1, or section 54-06-12.
- 3 3. Upon receipt of a complaint under subsection 2, the secretary of state shall forward a
4 copy of the complaint to each member of the committee and call a meeting of the
5 committee to be held within ninety days after receipt of the complaint. At the meeting,
6 the committee shall review the complaint and either dismiss the complaint or forward
7 the complaint to either the attorney general or a state's attorney for prosecution. Any
8 decision to refer a complaint for prosecution must be made by a majority vote of the
9 members voting on the question.
- 10 4. The attorney general or a state's attorney to whom a complaint is referred under this
11 section shall proceed with prosecution of the complaint or shall provide the committee
12 a written explanation detailing the reason for not pursuing the prosecution.
- 13 5. If a written complaint submitted to the secretary of state alleges a voting member of
14 the committee has committed any of the violations listed under subsection 2, that
15 member is disqualified from participating in the review of the complaint and the
16 individual who made the appointment of that member shall appoint a replacement
17 member to participate in the review and disposition of the complaint.
- 18 6. If a written complaint submitted to the secretary of state alleges a nonvoting member
19 of the committee has committed any of the violations listed under subsection 2, that
20 member is disqualified from participating in the review of the complaint.
- 21 7. The legislative council shall provide staffing for the committee.