

HOUSE BILL NO. 1442

Introduced by

Representatives Mock, Boschee, Gruchalla, Guggisberg, N. Johnson, Onstad

Senators Schneider, Warner

1 A BILL for an Act to create and enact a new section to chapter 54-06 of the North Dakota
2 Century Code, relating to the establishment of a state ethics commission; and to provide a
3 penalty.

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

5 **SECTION 1.** A new section to chapter 54-06 of the North Dakota Century Code is created
6 and enacted as follows:

7 **State ethics commission - Members - Duties - Penalty.**

8 1. A state ethics commission consisting of nine members may investigate a complaint
9 alleging that any member of the legislative assembly, elected or appointed executive
10 branch officer, judge of the district court, supreme court justice, candidate for elective
11 legislative, executive, or judicial office, lobbyist, or state employee has violated any
12 provision of chapter 16.1-08.1 or 54-05.1 or any criminal provision involving corruption
13 or misconduct in office.

14 2. The ethics commission must consist of:

15 a. One member appointed by the speaker of the house of representatives.

16 b. One member appointed by the house minority leader.

17 c. One member appointed by the senate majority leader.

18 d. One member appointed by the senate minority leader.

19 e. Five members appointed by the governor as follows:

20 (1) One member selected from a list of five individuals submitted by the
21 chairman of the North Dakota republican party;

22 (2) One member selected from a list of five individuals submitted by the
23 chairman of the North Dakota democratic-NPL party; and

- 1 (3) Three members who serve or have served in an elected or appointed
2 position in the judicial branch.
- 3 3. The members of the commission shall serve terms of two years with terms
4 commencing on August first of each odd-numbered year. The commission shall select
5 a chairman from among its members and shall meet at the call of the chairman. The
6 commission shall meet within thirty days after the submission of a written complaint
7 alleging an offense as provided under subsection 1.
- 8 4. Upon the approval of a majority of the members of the commission, the commission
9 shall investigate any complaint submitted in writing to the commission. A written
10 complaint and any record gathered or created in the course of an investigation initiated
11 by the commission is not subject to section 44-04-18 and section 6 of article XI of the
12 Constitution of North Dakota until the conclusion of the investigation and a report of
13 the investigation has been presented at a meeting of the commission.
- 14 5. Upon the approval of a majority of the members of the commission, the commission
15 may refer a complaint to the attorney general or a state's attorney for further
16 investigation and the consideration of criminal prosecution.
- 17 6. If the attorney general or a state's attorney to which a complaint is referred determines
18 to not prosecute the subject of the complaint, the attorney general or state's attorney
19 shall provide the commission with a written explanation for the decision not to
20 prosecute.
- 21 7. In addition to any applicable criminal penalty that may be imposed as a result of a
22 prosecution under this section, the commission may request the attorney general or
23 state's attorney to seek a civil penalty not exceeding ten thousand dollars to cover the
24 expenses of the investigation against any individual found guilty of a criminal offense
25 initiated under this section.
- 26 8. The commission may request an appropriate official to initiate removal proceedings
27 against any individual who is subject to removal from office under law for a violation of
28 an offense prosecuted under this section.
- 29 9. Upon request of the commission, state officers and employees and state's attorneys
30 shall cooperate with and provide assistance to the commission.

Sixty-third
Legislative Assembly

- 1 10. The legislative assembly shall include in the legislative branch appropriation funding
- 2 sufficient to sustain the operations of the commission.