

## HB 1521 OVERVIEW

North Dakotans for Public Integrity

January 18, 2019

When North Dakota voters approved Measure 1 and created Article 14 of the state constitution, they mandated that state government become more transparent and accountable. If passed, HB 1521 will have the opposite effect, making a mockery of the people's vote.

HB 1521 unconstitutionally:

- Restricts the public's right to know the true source of funds spent to influence elections and government action.
- Usurps responsibilities of the Ethics Commission.
- Restricts transparency of lobbying efforts to influence state government action.
- Requires the Ethics Commission to operate like an administrative agency for rulemaking.
- Does not establish the new Ethics Commission until seven months after the requirement in Article 14.
- Gives both legislators and administrative hearing officers the right to overturn decisions by a Constitutional agency.
- Allows for more unreported gifts to public officials rather than limiting them as Article 14 requires.
- Imposes very low, almost meaningless penalties on most violations under Article 14, while threatening ethics complainants and ethics commissioners with felonies and civil and criminal defamation lawsuits.
- Locates the Ethics Commission inside a state agency whose director reports to the governor, giving rise to a conflict of interest and privacy concerns.
- Provides inadequate funding for the important work of the Ethics Commission, but requires rapid response to complaints using investigators and attorneys that it cannot meaningfully afford.

This bill does not implement Article 14, it undermines the article and holds the state Constitution in contempt. Voting for HB 1521 would violate lawmakers' oath to uphold the Constitution. The results will include less ethical government and wasted taxpayer dollars on lawsuits.

Because the bill rejects the spirit and requirements of Article 14, HB 1521 cannot be repaired by amendment. North Dakotans for Public Integrity urges the defeat of HB 1521. The bill that implements Article XIV properly is SB 2148.

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*The mission of North Dakotans for Public Integrity is to educate and inform North Dakotans about the importance of integrity and public accountability by government institutions.*

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