



North Dakota Ethics Commission Special Meeting

Minutes of April 15, 2025

MS Teams

1. **Call to Order:** The meeting was called to order by Chair Dave Anderson at 2:39 p.m. The following members of the Ethics Commission were also present: Vice Chair Ward Koeser, Commissioners Cynthia Lindquist, Ron Goodman, and Murray Sagsveen, Executive Director Rebecca Binstock, General Counsel Logan Carpenter, Operations Administrator Alisha Maier, and Legal Intern Patrick Frise.
2. **Update on SB 2004:** Executive Director Binstock walked the Commission through Engrossed SB 2004 with House amendments. The Senate provided the Commission with the Education and Communications FTE, but the House removed the position. \$50,000 was provided by the Senate for a case management system and the House maintained that amount but appropriated it as SIIF funding instead of general funding.

General Counsel Logan Carpenter walked the Commission through the policy changes the House made to SB 2004. Section 5 of the bill came from HB 1505 using the same language, provision, and immunity provision. Section 6 also came from HB 1505. ED Binstock reminded the Commission that HB 1505 was defeated by the House and advised that only certain pieces of the bill have now been added onto SB 2004. GC Carpenter advised that Section 7 of the bill also used some language borrowed from HB 1505 and HB 1360. Section 7 contains new language advising that each case must be closed within 180 days of receipt by the Commission of the underlying complaint. Section 8 contains language borrowed from HB 1360. Section 9 contains language from HB 1505. Section 10 was added by Representative Karla Rose Hanson to add an annual report that the Commission must complete each fiscal year. Section 11 is an emergency clause for Sections 5, 6, 7, 8, and 9. If passed, this would take effect immediately and not on August 1, 2025.

Commissioner Ron Goodman questioned whether the 180-day deadline would be retroactive for the Commission's older cases. GC Carpenter advised this is unclear at this time and that the Commission is hoping for some clarity as it moves through the process.

Commissioner Ward Koeser addressed concern that a respondent could stall in providing information to the Commission which could cause a lag past 180 days and then be dismissed.

Commissioner Murray Sagsveen asked if this bill is enacted as it states how many complaints would be over 180 days old that the legislature would direct the Commission to dismiss. ED

Binstock advised it would effectively direct the Commission to dismiss 28 complaints. Commissioner Sagsveen further asked how many of the 28 complaints would be legislative complaints. ED Binstock advised there would be 17 legislative complaints. Commissioner Sagsveen advised if the bill is passed as written, the legislature would be dismissing 17 complaints against their own members.

Commissioner Goodman advised he sees a conflict between the policy in SB 2004 and the Constitution if the Commission were to carry a case over the 180-day deadline because it simply cannot meet the requirement. He further advised that the Supreme Court would maybe have to answer this concern.

The Commission watched portions of April 10, 2025, House Appropriations Hearing on SB 2004. ED Binstock advised the Commission did not get an opportunity to comment or respond unless asked to come up and answer a question. During the hearing, Representative Mike Nathe was asked if the Ethics Commission was engaged in the process regarding the policy amendments. He responded, stating it was tasked to the committee by leadership to bring all parties together and that they worked with different agencies, the attorney general, and the Governor's Office but the Ethics Commission was not brought in the discussions.

Chair Dave Anderson noted committee members reference the 180-day requirement as a tool and reiterated that a tool would be giving the Commission the requested FTE and case management system.

GC Carpenter noted that in the hearing and throughout legislative session, there were discussions regarding the Commission having authority to dismiss complaints and surrounding the complainant driving the process. CG Carpenter walked the Commission through the complaint process and how Commission staff interprets the authority regarding complaints and the process to dismiss them.

GC Carpenter advised a subpoena process to facilitate investigations would help to close out the Commission's work instead of directing the Commission to shut down investigations with a 180-day deadline. CG Carpenter further advised that staff was able to identify 13 older complaints that could be closed soon if there was a clear subpoena process to get the necessary information to close them.

Commissioner Goodman advised a tool to facilitate a settlement between the Commission and respondent or complainant and respondent would be beneficial. ED Binstock advised there would be a way to address or amend 56-66-08 to do that and allow for mediation between the

Commission and respondents. ED Binstock further advised this process is consistent with what other Ethics Commissions across the country do.

ED Binstock advised the Education and Communication FTE will remain priority one along with getting a clean budget bill, a workload increase for OA Maier, an ongoing appropriation for the case management system, and funding for rules implementation.

3. **Adjourn:** The meeting was adjourned at 4:19 p.m. The next regular meeting is scheduled for April 23, 2025, at 9:00 a.m., livestreamed with MS Teams.

Approved on 4/23/25



Rebecca Binstock, Executive Director, North Dakota Ethics Commission