

Chapter X. Legislative Ethics

1001. Legislative ethics policy.

1. The Legislative Assembly always seeks a high reputation for progressive accomplishment where its members are public officers of integrity and dedication, maintaining high standards of ethical conduct.
2. The public interest is best served by attracting and retaining in the Legislative Assembly citizens of high caliber and attainment. The public interest will suffer if unduly stringent requirements deprive government of the services of well-qualified citizens.
3. Membership in the Legislative Assembly is not a full-time occupation and is not compensated on that basis. Continued membership is on an elected-term basis, requiring each member to recognize and contemplate that election will not provide any career tenure. These characteristics ensure that each member is rooted to a community and that legislation reflects the needs and values of citizens.
4. A member such as a teacher, administrator, state employee, farmer, labor leader, lawyer, independent business person, or any salaried employee must look to a source of income from other than legislative compensation for sustenance and support; moreover, every member must plan for return to that individual's regular employment, business, or profession.
5. The increasing complexity of public policy at all levels, with intervention into private affairs, makes conflicts of interest almost inevitable for every part-time public official, and particularly for a member who must vote on measures affecting the life of every citizen or resident of the state. Consequently, the adoption of standards of ethics does not impugn a member's integrity or dedication; rather, it recognizes the increasing complexity of government and private life and provides members with helpful advice and guidance when confronted with difficult problems in that gray area involving action that is neither clearly right nor clearly wrong.
6. Ethical conduct is expected of all who participate in the legislative process, including lobbyists, legislative staff, government employees, interest groups, the media, and others. All participants in the legislative process should recognize the importance of their role to support each member's ethical duty to make independent judgments.
7. If public confidence in the Legislative Assembly is to be maintained and enhanced, it is not enough that members avoid acts of misconduct. They also must avoid acts that may create an appearance of misconduct.

1002. Recognition of ethical standards. The resolution of ethical problems must rest largely in the individual conscience. The Legislative Assembly may and should, however, define ethical standards, as most professions have done, to chart the areas of real or apparent impropriety. Unless otherwise provided by law, no criminal penalty applies to a member who engages in conduct that is inconsistent with this section. However, in striving to maintain ethical standards, each member should recognize the importance of:

1. Complying with all other rules relating to ethics, including Joint Rule 901 regarding workplace harassment and Senate and House Rules 321 regarding disclosure of personal or private interest when voting.
2. Acknowledging that the public trust requires each member to make a consistent effort to be well-informed about legislative issues and legislative proposals and to resist influences that may bias the member's independent judgment.
3. Acknowledging that accountability requires members to maintain communication with constituents, to remain open to constructive comment, and to exercise leadership in helping constituents understand legislative issues.
4. Acknowledging that institutional responsibility requires members to remain committed to the integrity and maintenance of the legislative branch.
5. Not using or attempting to use the member's influence in any matter involving a substantial conflict between the member's personal interest and duties in the public interest.
6. Not using the member's official position to obtain financial gain for the member, the member's family, or a business associate or to secure privileges or exemptions in direct contravention of the public interest.

1003. Recognition of constitutional and statutory provisions. Members should apprise themselves of constitutional provisions and statutes that prohibit conduct for which criminal penalties may apply, including Article IV, Section 9, of the Constitution of North Dakota, which prohibits vote trading; Article IV, Section 10, of the Constitution of North Dakota, which provides for expulsion for corruption, bribery, perjury, or other infamous crimes; Article IV, Section 12, of the Constitution of North Dakota, which prohibits contempt or disorderly behavior; North Dakota Century Code Chapter 12.1-12, which prohibits bribery and unlawful influence of public servants; North Dakota Century Code Section 12.1-13-01, which prohibits disclosure of confidential information; North Dakota Century Code Section 12.1-13-02, which prohibits acquisition of a pecuniary interest in property or an enterprise in contemplation of official action or in reliance on information accessed as a public servant; North Dakota Century Code Section 12.1-13-03, which prohibits a public servant from becoming interested individually in the sale or lease of property or a contract for which the public servant is authorized to transact; North Dakota Century Code Sections 12.1-14-02 and 12.1-14-03, which prohibit interference with voting; North Dakota Century Code Sections 12.1-23-03 and 12.1-23-05, which prohibit theft to obtain services while a public servant; North Dakota Century Code Section 12.1-23-07, which relates to the use of property entrusted to a public

servant; North Dakota Century Code Chapter 16.1-08.1, which relates to campaign contributions and campaign contributing statements; North Dakota Century Code Chapter 16.1-09, which relates to statements of interest; North Dakota Century Code Chapter 16.1-10, which relates to corrupt practices; North Dakota Century Code Sections 39-01-03 and 39-01-05, which prohibit the private or political use of state motor vehicles; North Dakota Century Code Section 44-08-19, which relates to political activities by public employees; North Dakota Century Code Section 48-01.2-08, which prohibits the interest in public contracts by a member of a governing board; North Dakota Century Code Section 54-02-01, which governs the use of the Great Seal; North Dakota Century Code Chapter 54-05.1, which relates to legislative lobbying; and North Dakota Century Code Section 54-06-12, which prohibits false statements regarding state departments, institutions, or industries.

1004. Legislative ethics classes - Publication of information relating to ethics. During each organizational session and at other times as deemed appropriate, the Legislative Council shall conduct classes on legislative ethics and laws governing the activities and conduct of public officials, including criminal laws, election practices, and conflicts of interest. Before each regular legislative session, the Legislative Council shall distribute a document to all members which includes constitutional provisions, statutes, legislative rules, and other pertinent information regarding ethical conduct in the legislative process.

5. The following questions require the unanimous consent of the members of the House:
 - a. Suspension of the rules and passage of a bill neither printed nor heard by a committee, as provided in House Rule 324.
 - b. Reconsideration or suspension of a standing rule or order requiring unanimous consent, as provided in House Rule 324.
 - c. Amendment of measures on second reading except to amend the title, as provided in House Rule 333.
 - d. Withdrawal of a measure after it has been referred to committee, as provided in House Rule 331.

319. Division of question.

1. If a question before the House contains more than one proposal, any member may have the question divided, except a question on the adoption of a conference committee report or on the second reading and final passage of a measure resulting from the adoption of a conference committee report may not be divided.
2. A proposal to divide a question must be submitted in writing to the Speaker in advance of the floor session at which the measure is placed on the calendar for consideration.
3. A question containing more than one proposal may be divided only if each resulting division is so distinct and separate it can stand as a complete proposition without being rewritten.
4. A roll call vote must be ordered for each division of a bill.
5. Each division of a divided question requires the same vote for adoption that the division would require if it stood alone.
6. After voting on all divisions, the approved divisions comprise the question before the House.

320. Roll call vote. A roll call vote must be ordered when requested by one-sixth of those members present or when otherwise required by the Constitution or these rules. When a recorded roll call vote is held, the results must be printed in the journal in their entirety.

321. Vote by members. Every member who is present, before the vote is announced from the chair, shall vote for or against the question before the House, unless the House excuses the member. A member cannot cast a vote on behalf of another member unless the vote is cast according to verbal instructions announced to the House by that other member while in the chamber. However, any member who has a personal or private interest in any measure or bill shall disclose the fact to the House and may not vote thereon without the consent of the House. A "personal or private interest" is an interest that affects the member directly, individually, uniquely, and substantially.

322. Procedure in excusing member from voting. When a member asks to be excused, or declines to vote, the member shall be required to state the member's reasons. Upon motion, the question must be put to the House, "Shall the member, for the reasons stated, be permitted to vote?" which must be decided without debate. These proceedings must occur before the taking of the vote.

323. Vote by Speaker. The Speaker shall vote on all questions taken by roll call vote, except on appeals from the Speaker's decision, and in all elections or decisions called for by any member.

324. Suspension of rules. No standing rule or order of the House may be reconsidered or suspended except by a vote of a majority of the members present, and no motion to suspend the rules and pass a bill may be entertained except by unanimous consent, unless the bill has first been printed and considered by a committee, nor may any standing rule or order requiring unanimous consent be reconsidered or suspended without unanimous consent.

325. Reading of bills and resolutions. Every bill requiring the approval of the Governor, and every resolution proposing a change in the Constitution of North Dakota, or ratifying an amendment to the Constitution of the United States, must be read two separate times, but the first reading and second reading may not be on the same day.

326. Consideration of other resolutions. Every resolution other than those referred to in House Rule 325 or 407 must be read once and referred by the Speaker to an appropriate standing committee or, on motion, to a select committee, unless otherwise ordered by vote of the House.

327. Resolutions during special sessions. During a special session of the Legislative Assembly called by the Governor, the House may consider any resolution or concurrent resolution that is on a subject having a major impact on the economic well-being of the state without referring the measure to a committee, and the House may take final action on the measure on the same legislative day as the day the measure is introduced.

328. Measures referred to committee. Upon the first reading of a bill or concurrent resolution, the Speaker shall refer it to an appropriate standing committee, unless the House, by motion, decides to refer it to a select or other standing committee, or to the Committee of the Whole. If the bill or resolution is referred to the Committee of the Whole, the bill or resolution must come up for consideration the next day, unless otherwise ordered by the House.