North Dakota Ethics Commission Special Meeting

Minutes of February 14, 2023

MS Teams

1. **Call to Order:** The meeting was called to order by Chairman Paul Richard at 10:00 a.m. The following members of the Ethics Commission were also present: Vice Chair David Anderson, Commissioners Ron Goodman, Ward Koeser, and Cynthia Lindquist, Legal Counsel Allyson Hicks, Executive Director Rebecca Binstock, and Office Manager Holly Gaugler.

2. **Agenda and Instructions for Special Meeting:** Chair Richard reminded the Commission that discussion for the meeting is limited to the agenda items and no other matters may be discussed.

3. **Approval of January 18 and January 31, 2023, Minutes:** The minutes of January 18 and January 31, 2023 were discussed. Commissioner Lindquist noted a minor spelling correction on the January 31 minutes.

   Motion: Commissioner Anderson moved to approve the minutes of January 18 and January 31, 2023 with noted spelling correction. Motion was seconded by Commissioner Lindquist. Chair Richard called for a voice vote. The motion was approved by unanimous voice vote.

4. **Budget Update:** Office Manager Holly Gaugler provided a budget update as of January 31, 2023, showing total expenses for January 2023 at $25,851 and total expenditures for the biennium of $466,085 - leaving a balance for the remainder of the biennium at $157,899. Total expenditures did include $7,560 for November and December SAAG costs. Gaugler also briefed the Commission on projected expenditures for the remainder of the biennium of $151,271 leaving a remaining balance on June 30, 2023, of $14,188. The ending balance is assuming additional funding will be received in the OMB deficiency bill SB 2025 for SAAG costs incurred in November and December 2022 for $7,560. The ending balance of $14,188 does not include costs for a proposed software reporting system, which is unknown at this time. Cost estimates from NDIT are expected in the upcoming weeks.

5. **Discussion of Advisory Opinion 22-02:** Executive Director Binstock briefed the Commission on a request for an advisory opinion received November 11, 2022, from Mark Jorritsma, the Executive Director of the North Dakota Family Alliance regarding questions on an upcoming event. On November 22, 2022, Executive Director Binstock sent a letter to Mr. Jorritsma and indicated the Commission would issue an advisory opinion. Executive Director Binstock completed a draft of the advisory opinion and presented it to the Commission for review and approval.

Motion: Commissioner Goodman moved to adopt the draft of Advisory Opinion 22-02. Motion was seconded by Commissioner Koeser. Chair Richard called for a roll call vote. The motion was approved by unanimous roll call vote.

6. **Discussion of Advisory Opinion 23-01:** Executive Director Binstock briefed the Commission on a request for an advisory opinion the Commission received from John Bjornson, Director of North Dakota Legislative Council on January 17, 2023, regarding conflict of interest rules as it applies to members of the legislature. On January 19, 2023, Executive Director Binstock sent a letter to Mr. Bjornson and indicated the Commission would issue an advisory opinion. Executive Director Binstock completed a draft of the advisory opinion for this meeting and presented it to the Commission for review and approval.

   Motion: Commissioner Anderson moved to adopt the draft of Advisory Opinion 23-01. Motion was seconded by Commissioner Lindquist. Chair Richard called for a roll call vote. The motion was approved by unanimous roll call vote.

7. **Legislative Update:** Executive Director Binstock provided an overview of legislative bills SB 2024, the Commission's budget bill for 2023-25 biennium, and SB 2025, OMB's deficiency bill:

   - **SB 2024** - Committee work was performed by the Senate Appropriations – Human Resources Division on February 8, 2023, at which time the bill was amended. Changes were made to the original bill as follows:
     A. Salary and benefit increases were reduced to $32,524 to reflect a 4%/4% rather than a 6%/4% in the executive recommendation.
     B. Travel increases in the executive recommendation were reduced from $13,448 to $6,724 (50%).
     C. Requested FTE for the Education & Training position ($225,511) was eliminated and replaced with $100,000 for a temporary salary.
     D. Remainder of the executive recommendation was not amended.

   Senator Kyle Davison will carry the bill to the Floor for consideration by the full Senate Appropriations Committee on February 13th. The Division did not get to consider the budget amendment approved by the Commission prior to this action. Therefore, the amendment will be brought when the bill is before House Appropriations.

   - **SB 2025** - There has been no action on this bill since the initial hearing on January 13, 2023 by the full Senate Appropriations Committee.

8. **Office Space Update:** Executive Director Binstock briefed the Commission that on February 8, 2023, Ethics Commission staff met with Sara Stolt, Chief Operating Officer of DHHS. Ms. Stolt

showed staff a space available for the Ethics Commission located on the 3rd floor in the Judicial Wing of the Capitol. DHHS is prepared to start vacating the space in May of 2023.

The space currently has 3 offices as well as cubicles and it is a separate, segregated space from DHHS space. The suite also has a secure entrance. Interior walls and furniture would need to be moved for the space to function for the Ethics Commission, but Ethics Commission staff believes there is sufficient space to have 1-2 offices and a training/conference area for larger groups.

Staff will be meeting with John Boyle in the next week to discuss renovations costs and a timeline for those renovations.

9. **Discussion of Cancelling Regular Meeting set for February 21, 2023:** The Commission agreed to cancel the regular scheduled meeting set for February 21, 2023.

10. **Adjourn:** Meeting adjourned at 10:40 a.m.

Approved on 3/15/2023 R Binstock

Rebecca Binstock, Executive Director, North Dakota Ethics Commission