

**CHAPTER 130-10
LOBBYING DISCLOSURE ACT REGULATIONS**

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Chapter Authority: 1 CMC § 9417.

Chapter History: Amdts Proposed 24 Com. Reg. 19539 (Oct. 30, 2002);* Adopted 7 Com. Reg. 3975 (Sept. 16, 1985); Proposed 7 Com. Reg. 3808 (July 22, 1985).

*As of December 2004, a notice of adoption for the 2002 amendments had not been published.

Commission Comment: 1 CMC § 2301 creates an Office of the Public Auditor as an independent agency of the Commonwealth government. The Public Auditor is charged with auditing the receipt, possession and disbursement of public funds and performing other duties prescribed by law. 1 CMC §§ 2301 and 2303.

The Commonwealth Auditing Act of 1983, PL 3-91 (effective Jan. 4, 1983), codified as amended at 1 CMC §§ 7811-7851, further delineates the powers, functions and duties of the Public Auditor.

PL 4-25 (effective Dec. 18, 1984), the “Lobbying Disclosure Act,” codified at 1 CMC §§ 9411-9419, sets forth disclosure requirements for lobbying activities applicable in the CNMI. 1 CMC § 9417 authorizes the Public Auditor to promulgate rules and regulations necessary to effectuate the provisions of the act.

On October 30, 2002, the Office of the Public Auditor published proposed revised Lobbying Rules and Regulations. See 24 Com. Reg. 19539 (Oct. 30, 2002). A notice of adoption has not been published.

Part 001 - General Provisions

§ 130-10-001 Purpose

While the Lobbying Disclosure Act encourages all efforts of interested persons or classes to advocate the adoption of desired legislative measures it wants to insure that this advocacy is done in an open and fair manner. The regulations in this chapter provided for by Public Law 4-25 (The Lobbying Disclosure Act) [1 CMC §§ 9411-9419] are designed to provide the public with a

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full and accurate disclosure from the persons or interest groups who influence government and the manner in which they do so.

Modified, 1 CMC § 3806(d).

History: Adopted 7 Com. Reg. 3975 (Sept. 16, 1985); Proposed 7 Com. Reg. 3808 (July 22, 1985).

§ 130-10-005 Definitions

When used in the regulations in this chapter --

- (a) The term “contribution” includes a gift, subscription, loan, advance or deposit of money or anything of value and includes a contract, promise or agreement, whether or not legally enforceable, to make a contribution.
- (b) The term “expenditure” includes a payment, distribution, loan, advance, deposit, or gift of money or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure.
- (c) The term “immediate family” means spouse, children, parents and siblings of the effected person.
- (d) The term “lobbyist” means any person engaging in the activities described by § 130-10-010.
- (e) The term “person” includes an individual, partnership, committee, association, corporation, and any other organization or group of persons.

Modified, 1 CMC § 3806(c), (d).

History: Adopted 7 Com. Reg. 3975 (Sept. 16, 1985); Proposed 7 Com. Reg. 3808 (July 22, 1985).

§ 130-10-010 Persons to Whom Regulations Are Applicable

The provisions of this chapter shall apply to any person, who by himself or through any agent or employee or other persons in any manner whatsoever, directly or indirectly, solicits, collects or receives money or any other thing of value to be used in any manner to aid in the accomplishment of any of the following:

- (a) The passage or defeat of any legislation by the Northern Mariana Islands Legislature;
- (b) The signing or vetoing of any legislation by the Governor;
- (c) The adoption or failure to adopt any regulation, rule, rate, standard or decision of any board or commission of the Commonwealth, which has rule making authority granted by law, regulation or the Constitution.

Modified, 1 CMC § 3806(d).

History: Adopted 7 Com. Reg. 3975 (Sept. 16, 1985); Proposed 7 Com. Reg. 3808 (July 22, 1985).

Part 100 - Lobbying Requirements

§ 130-10-101 Registration and Licensing

Any person employed or retained to perform the functions of § 130-10-010 shall register with the Commonwealth Board of Elections before performing those functions.

Modified, 1 CMC § 3806(c).

History: Adopted 7 Com. Reg. 3975 (Sept. 16, 1985); Proposed 7 Com. Reg. 3808 (July 22, 1985).

§ 130-10-105 Requirements of Registration

Each person shall register by filing with the Commonwealth Board of Elections a recent passport size black-and-white photograph of himself, a written authorization to act as a lobbyist from each person by whom he is employed or with whom he contracts, and a statement under penalty of perjury containing:

- (a) His full name, business address, (both local and foreign) and telephone number;
- (b) The country of his residence;
- (c) His citizenship;
- (d) The name and business address of each person by whom he is employed or with whom he contracts for lobbying purposes, and the terms of his contract if known;
- (e) How much he is paid and is to receive, by whom he is paid or is to be paid, how much he is to be paid for expenses and what expenses are to be included;
- (f) Any prior felony convictions;
- (g) A list of businesses by name and type of business that he or members of his immediate family have an interest in or are employed by;
- (h) A statement as to whether he is a government employee, elected or appointed government official.

Modified, 1 CMC § 3806(f).

History: Adopted 7 Com. Reg. 3975 (Sept. 16, 1985); Proposed 7 Com. Reg. 3808 (July 22, 1985).

Commission Comment: The notice of adoption for the 1985 regulations corrected the language of subsection (d).

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§ 130-10-110 Renewal

Each registered lobbyist shall renew his registration within 30 days prior to January 15 of each year by filing:

- (a) A new photograph
- (b) A new registration statement
- (c) A statement of account for the preceding calendar year.

Modified, 1 CMC § 3806(f).

History: Adopted 7 Com. Reg. 3975 (Sept. 16, 1985); Proposed 7 Com. Reg. 3808 (July 22, 1985).

§ 130-10-115 Statement of Account

Every person who was in the business the preceding calendar year of receiving any contributions or expending any money for the purposes designated in subsections (a), (b), or (c) of § 130-10-010 of this chapter, shall file with the Board of Elections between the first and fifteenth day of each January, a statement containing complete as of the day next preceding the date of filing:

- (a) The name and address of each person who has made a contribution of \$25 or more in the preceding calendar year;
- (b) The purpose for which each such payment was received. The specific bill or action must be referred to, a general statement such as “lobbying the legislature” is insufficient;
- (c) The total sum of all contributions made to or for such persons during the preceding calendar year;
- (d) The name and address of each person to whom an expenditure in one or more items of the aggregate amount or value, within the preceding calendar year, of \$10 or more has been made by or on behalf of such persons, and the amount, date, and purpose of such expenditure;
- (e) The total sum of all contributions made to or for the person in the preceding calendar year;
- (f) The total sum of all expenditures made by or on behalf of such persons in the preceding calendar year.

Modified, 1 CMC § 3806(c), (d), (f).

History: Adopted 7 Com. Reg. 3975 (Sept. 16, 1985); Proposed 7 Com. Reg. 3808 (July 22, 1985).

§ 130-10-120 Retention of Receipts

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It shall be the duty of each person registered under the regulations in this chapter to obtain and keep a receipted bill, stating the particulars, for every expenditure of such funds exceeding \$10 in amount, and to preserve all receipted bills and accounts required to be kept by this section for a period of five years from the date of filing of the statement requiring such items.

Modified, 1 CMC § 3806(d).

History: Adopted 7 Com. Reg. 3975 (Sept. 16, 1985); Proposed 7 Com. Reg. 3808 (July 22, 1985).

§ 130-10-125 Direct or Indirect Benefit

An expenditure must be accounted for in § 130-10-115, if it confers either a direct or indirect benefit on a public official, and is intended to so benefit him. A direct benefit, by way of illustration, would include campaign contributions, of any kind, free or reduced lodging, transportation, newspaper or radio advertisements, meals, the use of office space or equipment, etc. An indirect benefit would include expenditures made to benefit any business the public official or a member of his immediate family has an interest in, or any expenditure made to directly benefit a member of the official's immediate family.

Modified, 1 CMC § 3806(c).

History: Adopted 7 Com. Reg. 3975 (Sept. 16, 1985); Proposed 7 Com. Reg. 3808 (July 22, 1985).

§ 130-10-130 Preservation of Statement; Public Record

A statement received by the Board of Elections shall be preserved by the Board for 5 years from the date of filing, shall constitute part of the public records of his office, and shall be open to immediate public inspection.

History: Adopted 7 Com. Reg. 3975 (Sept. 16, 1985); Proposed 7 Com. Reg. 3808 (July 22, 1985).

§ 130-10-135 Frequency of Reports

The Board of Elections can, upon approval of the Public Auditor, require registration statements to be updated more frequently so long as it is not more frequent than quarterly.

History: Adopted 7 Com. Reg. 3975 (Sept. 16, 1985); Proposed 7 Com. Reg. 3808 (July 22, 1985).

§ 130-10-140 Public Official as Lobbyist

Before the Board of Elections may accept the application of a person who is an elected official, appointed official or full-time government employee, the applicant must first submit a written agreement showing all particulars of his employment including compensation, the precise purpose for the employment and the amount of pay or type of consideration to be received. This agreement shall be a public record open to immediate public inspection.

History: Adopted 7 Com. Reg. 3975 (Sept. 16, 1985); Proposed 7 Com. Reg. 3808 (July 22, 1985).

§ 130-10-145 Exclusions

The provisions of the regulations in this chapter shall not apply to any person who merely appears without compensation before a committee of the Legislature in support of or in opposition to legislation; nor to any public official acting in his official capacity; nor to the owner, publisher or reporter of a newspaper or other periodical which in the ordinary course of business publishes news items, editorials or other comments, or paid advertisements, which directly or indirectly urge the passage or defeat of legislation, if such newspaper, periodical or individual engages in no further or other activities in connection with the passage or defeat of such legislation other than to appear before a committee of the legislature in support of or in opposition to such legislation.

Modified, 1 CMC § 3806(d).

History: Adopted 7 Com. Reg. 3975 (Sept. 16, 1985); Proposed 7 Com. Reg. 3808 (July 22, 1985).

§ 130-10-150 Gifts

Whenever a person who is registered under the regulations in this chapter gives a gift to a legislator, the Governor, Lieutenant Governor or any member of a Board or Commission, he will be deemed to be acting in connection with his activities as a lobbyist.

Modified, 1 CMC § 3806(d).

History: Adopted 7 Com. Reg. 3975 (Sept. 16, 1985); Proposed 7 Com. Reg. 3808 (July 22, 1985).

§ 130-10-155 Statement under Penalty of Perjury

All reports and statements required by the regulations in this chapter shall be made under penalty of perjury.

Modified, 1 CMC § 3806(d).

History: Adopted 7 Com. Reg. 3975 (Sept. 16, 1985); Proposed 7 Com. Reg. 3808 (July 22, 1985).

§ 130-10-160 Refusal to Register

(a) The Board of Elections can refuse to register or it can revoke the registration of an applicant whose application is incomplete, untruthful or shows that the applicant has been convicted within 7 years prior to submission of the application, of a felony involving moral turpitude.

(b) Whenever the Board refuses to register an applicant for the reasons stated in this section, the Board shall give the applicant the reasons for the refusal, in writing.

Modified, 1 CMC § 3806(f).

History: Adopted 7 Com. Reg. 3975 (Sept. 16, 1985); Proposed 7 Com. Reg. 3808 (July 22, 1985).

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Commission Comment: The original paragraphs were not designated. The Commission designated subsections (a) and (b).

§ 130-10-165 Registration Approval

When a registration application or renewal application is submitted for approval to the Board of Elections the Board has 10 working days to either register the applicant or deny his request for application. If no action is taken on a complete application within 10 working days, it will be deemed approved.

History: Adopted 7 Com. Reg. 3975 (Sept. 16, 1985); Proposed 7 Com. Reg. 3808 (July 22, 1985).

§ 130-10-170 Bribery

Nothing in the regulations in this chapter shall absolve or protect anyone from strict and absolute compliance with 6 CMC § 3201 dealing with bribery.

Modified, 1 CMC § 3806(d).

History: Adopted 7 Com. Reg. 3975 (Sept. 16, 1985); Proposed 7 Com. Reg. 3808 (July 22, 1985).

§ 130-10-175 Fee

There is a fee of \$50 for each registration application and renewal.

History: Adopted 7 Com. Reg. 3975 (Sept. 16, 1985); Proposed 7 Com. Reg. 3808 (July 22, 1985).

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Appendix A

Lobbying Disclosure Act Registration Statement
(Public Law 4-25)

- 1. Name:
- 2. Local Address:
- 3. Foreign Address:
- 4. Phone Numbers:
- 5. Country of Residence:
- 6. Citizenship:
- 7. Name & Address of Employers

Contract Terms (Including any provisions for expenses)

- 8. Have you ever been convicted of a felony? If yes, when were you convicted and what was the felony?
- 9. Name and type of business you or members of your immediate family own an interest in (applicable only if business has contacts in Commonwealth).
- 10. Attach a written authorization to act as a Lobbyist from each person who has employed you.
- 11. Are you a full-time government employee, elected or appointed government official? If yes, then you must attach all lobbying contracts to this application. If your contract is oral, you must reduce it to writing.

I swear under penalty of perjury the foregoing information is true, complete and correct.
Executed in Saipan, CM on _____.
(date)

Signature

Passport photo must be attached.

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Modified, 1 CMC § 3806(f).

History: Adopted 7 Com. Reg. 3975 (Sept. 16, 1985); Proposed 7 Com. Reg. 3808 (July 22, 1985).

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Appendix B

Lobbying Disclosure Act Renewal of Registration
(Public Law 4-25)

1. Must have new passport photo.
2. Must attach new registration statement (unless there has been no changes)
3. Statement of Account for Preceding Calendar Year
 - a. Persons who made a contribution for your use in preceding calendar year of \$25 or more.

NAME ADDRESS AMOUNT PURPOSE

b. Total sum of above contributions was \$_____.

c. Each person to whom you made an expenditure of \$10 or more in preceding calendar year; when; purpose.

NAME ADDRESS AMOUNT PURPOSE DATE

d. Total amount of expenditures made by or through you in preceding calendar year \$_____.

e. List all other expenditures other than money and give their approximate fair market value (e.g. lunches, use of boat or property, advertising, food, etc.)

NAME TYPE OF EXPENDITURE VALUE

I swear under penalty of perjury the foregoing is true and correct. Executed on _____ at Saipan, CM.
(date)

Signature

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History: Adopted 7 Com. Reg. 3975 (Sept. 16, 1985); Proposed 7 Com. Reg. 3808 (July 22, 1985).