

Thursday, January 7, 2021

Senate Government and Veterans Affairs Committee SB 2069
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CHAIRMAN VEDAA AND COMMITTEE MEMBERS:

My name is Jack McDonald. I'm appearing on behalf of the North Dakota Newspaper and Broadcasters Associations. We strongly oppose SB 2069 and respectfully ask for a **DO NOT PASS**.

This bill arbitrarily closes records of applicants for public employment that have been open for more than 50 years.

The 2017 Legislative Assembly decided that, in an effort to encourage more persons to apply for public jobs, the records of those not chosen as one of three finalists would be closed. The records of the three finalists became open records when designated as finalists.

However, the 2017 Legislature also determined that if there were fewer than three applicants then those were, in effect finalists, and the records would remain open as they always had been once the application deadline passed.

Now SB 2069 says no, if the public entity decides not to consider them further, they are closed. However, as a practical matter, this just won't work.

If, for example, the application deadline was today, January 7, and there were only two applicants, those applications would become open today. However, SB 2069 says no, they will be closed if the public entity decides to take no further action. But when will it make that decision. Today? Not likely. Probably at its next meeting, whenever that will be. In the meantime, these records sit in limbo.

While we weren't crazy about this law when it passed, it has worked well. There's no need for SB 2069. The Attorney General is planning legislation to make some necessary changes in other portions of this law.

You should take a good look at his bill and give SB 2069 your first DO NOT pass of the 67<sup>TH</sup> Legislative Assembly.

Thank you for your time and consideration. I'd be happy to answer any questions.