

Fifty-eighth
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1305

Introduced by

Representative Glassheim

1 A BILL for an Act to amend and reenact section 44-04-19 of the North Dakota Century Code,
2 relating to the location of public meetings.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1. AMENDMENT.** Section 44-04-19 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **44-04-19. Access to public meetings.** Except as otherwise specifically provided by
7 law, all meetings of a public entity must be open to the public. That portion of a meeting of the
8 governing body of a public entity as defined in subdivision c of subsection 12 of section
9 44-04-17.1 which does not regard public business is not required to be open under this section.

- 10 1. This section is violated when any person is denied access to a meeting under this
11 section, unless such refusal, implicitly or explicitly communicated, is due to a lack
12 of physical space in the meeting room for the person or persons seeking access.
- 13 2. For purposes of this section, the meeting room must be accessible to, and the size
14 of the room must accommodate, the number of persons reasonably expected to
15 attend the meeting.
- 16 3. A public entity may not hold a meeting subject to this section outside the
17 geographic boundaries over which the public entity has jurisdiction unless the
18 public entity takes no action, other than procedural votes, at that meeting; does not
19 hold substantive discussions on matters of its public business at that meeting; and
20 records the meeting electronically or on audiotape or videotape. This recording is
21 a public record and must be retained for at least one hundred twenty days. For
22 purposes of this subsection, the jurisdiction includes any of the public entities that
23 enter a cooperative agreement to share personnel or other services.

- 1 4. The right of a person to attend a meeting under this section includes the right to
2 photograph, to record on audio or video tape and to broadcast live on radio or
3 television the portion of the meeting that is not held in executive session, provided
4 that there is no active interference with the conduct of the meeting. The exercise
5 of this right may not be dependent upon the prior approval of the governing body.
6 However, the governing body may impose reasonable limitations on recording
7 activity to minimize the possibility of disruption of the meeting.
- 8 4. 5. For meetings subject to this section where one or more of the members of the
9 governing body is participating by telephone or video, a speakerphone or monitor
10 must be provided at the location specified in the notice issued under section
11 44-04-20.