

House Judiciary
Chairman – Representative Lawrence Klemin
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Testimony
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HB 1138

Good afternoon Chairman and committee members. Thank you for the opportunity to testify on HB 1138. My name is Shaun Sipma and I am the Mayor of Minot.

With the broad scope and implications of the proposed House Bill 1138, I'm here to testify in opposition to this proposed legislation.

The language of the bill would provide an open-door policy to civil action against the state, political subdivisions and municipalities. An act of limiting comment time during a hearing could very well be construed as a violation of Section 4 of Article I of the State Constitution.

For that matter if an individual came to testify at a hearing and decided that four hours of testimony was needed to convey his or her message, any limitation would be seen as a violation of free speech. In short it would be easy to filibuster a public hearing, whether be at the State Capital or at City Hall.

Free speech also extends to social media. Local or State Government who have adopted social media pages would also be subject to probable civil action for having policies that remove comments that contain vulgar language, personal attacks, or hate speech. The affects would quickly impact premium rates for the North Dakota Insurance Reserve Fund. As more civil action are filed against government entities, premium rates would rise whether the cases were successful or unsuccessful for the claimant. Legal council would be required in each case to defend and in the event of verdict where punitive damages are awarded, those costs in the end all get passed on to the local taxpayer.

There has been a tremendous amount of sentiment regarding property taxes and we feel very strongly this would be an avenue that would quickly lead to higher taxes due to frivolous claims.

Free speech is at the very foundation of our constitution at the State and Federal level. It is a right that needs to be taken very seriously. So too does the matter of opening up a door to frivolous civil suits which could easily become a revolving door of potential monetary awards.

Thank you for your time and your consideration.