Senators and House Representatives,

I am writing to you today on SB2406, the discussion surrounding Non-Disclosure Agreements (NDA's). I was asked about this on Dakota Mornings with Michael Bell before candidates were driving the discussion. I said I would bring the discussion up during a Bismarck City Commission meeting on 8-11-2026 (link below)

https://dakotamediaaccess.org/programs/show/bismarck-city-commission-replay-8-11-26-2-11847/ (topic starts 1:10:00 into the meeting)

During the meeting I shared that when on the radio the host was told that there was a city employee in Beulah that informed their government board that they signed an NDA with a company that was on their agenda and thus could not discuss anything with said board. Hearing that I was not only astonished but really grasping how that could even be a concept given the responsibilities of the stakeholders in that scenario.

Now I did hear in Harwood that elected officials were signing NDAs with a company going through permitting and that caused me to question the ethical application of NDAs for the elect. This is why I promised to bring it up during our commission meeting on 8-11-26.

During the meeting, Bismarck City Attorney took the podium, and stated Bismarck follows state law, and no one is to sign an NDA that is staff. The only time non-disclosure is even considered whether formal or not is when sharing proprietary information that said company may own rights to. Rules for the elected are not as defined, yet in such cases it does not seem as if proprietary information should interfere with zoning requirements but could be wrong. If it did then maybe that is what you (the legislative body) should look at and clearly define the difference for all permitting of businesses or organizations, not just signaling our data centers.

I personally went on the record as well as another commissioner, stating we have not and would not be signing any NDA agreements. If you have any questions, I can be reached by email: Blink.2019@outlook.com or by phone at 701-400-1839.

Sincerely,

Mike Connelly

All comments above are my perspective alone and not an official position of a governing body, organization or business.