

Mr. Chairmen and members of the Committee, my name is Andrea Pfennig, and I am the Vice President of Government Affairs for the Greater North Dakota Chamber. GNDC is North Dakota's largest statewide business advocacy organization, with membership represented by small and large businesses, local chambers, and trade and industry associations across the state.

We previously testified in **opposition** of Senate Bill 2406 and would like to address the amendment proposed by Rep. Warrey. We appreciate the proposed amendment and believe it improves the bill. Specifically, it addresses an important concern by clarifying that agencies may enter into agreements to protect information that is confidential or exempt under state law.

However, several of the concerns raised in our original testimony remain:

- **Broad scope.** The definitions of "agency," "industrial project," and "nondisclosure agreement" remain broad, potentially affecting a wide range of businesses, projects, and agreements.
- **Disclosure process.** A business may have no opportunity to respond before information is determined to be an open record and disclosed. Once sensitive information is released, that disclosure cannot be undone.
- **Permits and approvals.** The bill continues to allow violations to be grounds for suspension or revocation of permits and approvals, with questions remaining about how broadly that provision could be applied.
- **Information sharing.** Businesses may choose to share less information or delay working with public entities if they lack certainty about how sensitive information will be handled.
- **Existing law.** North Dakota already has an established open records framework that determines what information is open, confidential, or exempt. NDAs cannot override those laws, and we continue to question the need for a broad statutory restriction on their use.
- **Special session timing.** Given the breadth of the bill and the potential impact across industries and public entities, we remain concerned that a special session does not provide adequate time to fully evaluate the implications of this policy change.

We appreciate the effort to address concerns with Senate Bill 2406. While the proposed amendment is an improvement, it does not resolve the broader concerns that led to our opposition.

For those reasons, GNDC remains opposed to Senate Bill 2406.