

January 8, 2025

House Judiciary Committee  
HB 1110

CHAIRMAN KLEMIN AND COMMITTEE MEMBERS:

My name is Cecile Wehrman. I represent the North Dakota Newspaper Association and the state's 73 member newspapers. Please accept this written testimony in opposition to House Bill 1110 as currently composed.

Whenever the legislature determines a record should be exempt or a meeting should be closed it is of concern to our newspapers because it shields a portion of agency business from public scrutiny.

While it is appropriate to shield some types of public business, those exemptions should be rare and clearly defined under the law.

In the case of HB 1110, the language is too broad and gives sole discretion to the agency to determine what may or may not be considered "investigative" or "surveillance" activity.

We would support the inclusion of language to define specific types of investigative or surveillance records falling under this exemption so that it is a matter of law rather than agency discretion.

Without concise definitions an agency could point to many types of records under the guise of an "investigation" when such records would in all other cases be considered open records.

Thank you for your consideration.