

PROPOSED AMENDMENTS TO

SENATE BILL NO. 2180

Introduced by

Senators Paulson, Luick, Weston

Representatives Louser, D. Ruby, D. Johnston

1 A BILL for an Act to ~~amend and reenact section 44-04-19~~create and enact a new section to
2 chapter 44-04 of the North Dakota Century Code, relating to the opportunity to provide public
3 comment at a meeting of a public entity.

4 BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

7 ~~44-04-19. Access to public meetings.~~

8 ~~Except as otherwise specifically provided by law, all meetings of a public entity must be~~
9 ~~open to the public. That portion of a meeting of the governing body of a public entity as defined~~
10 ~~in subdivision c of subsection 13 of section 44-04-17.1 which does not regard public business is~~
11 ~~not required to be open under this section.~~

12 ~~1. This section is violated when any person individual is denied access to a meeting~~
13 ~~under this section, unless such refusal, implicitly or explicitly communicated, is due to~~
14 ~~a lack of physical space in the meeting room for the persons individual seeking access~~
15 ~~or lack of electronic capacity to allow public viewing of the meeting through electronic~~
16 ~~means.~~

17 ~~2. For purposes of this section, if the meeting is held in person, the meeting room must~~
18 ~~be accessible to, and the size of the room must accommodate, the number of~~
19 ~~persons individuals reasonably expected to attend the meeting. If the meeting is held~~

1 by electronic means, the electronic capacity must accommodate the number of
2 persons ~~individuals~~ reasonably expected to attend the meeting remotely.

3 ~~3. The right of a person an individual to attend a meeting under this section includes the~~
4 ~~right to photograph, to record on audiotape or videotape, and to broadcast live on~~
5 ~~radio or television the portion of the meeting that is not held in executive session,~~
6 ~~provided there is no active interference with the conduct of the meeting. The exercise~~
7 ~~of this right may not be dependent upon the prior approval of the governing body.~~
8 ~~However, the governing body may impose reasonable limitations on recording activity~~
9 ~~to minimize the possibility of disruption of the meeting.~~

10 ~~4. For meetings subject to this section, if the meeting is held through any electronic~~
11 ~~means, the information necessary to join or view the meeting electronically must be~~
12 ~~included in the notice issued under section 44-04-20.~~

13 ~~5. A meeting of a public entity must include an opportunity for an individual in attendance~~
14 ~~to provide public comment. A public comment:~~

15 ~~a. May not be subject to approval by the public entity.~~

16 ~~b. Only may be limited by time per speaker.~~

17 **SECTION 1.** A new section to chapter 44-04 of the North Dakota Century Code is created
18 and enacted as follows:

19 **Public comment - Regular meetings of political subdivisions.**

20 1. A regular meeting of a political subdivision must include an opportunity for an
21 individual in attendance to provide public comment. For a political subdivision meeting
22 more frequently than once per month, this section applies to at least one regular
23 meeting.

24 2. An individual providing comment at a meeting shall provide to the political subdivision
25 in writing the individual's name and address.

26 3. A political subdivision may:

27 a. Not limit the topic of a public comment to the topics on the agenda for the
28 meeting.

29 b. Limit a public comment by time per speaker, total time for public comment, or
30 both.

- 1 c. Develop a policy regarding public comment rules for regular meetings. The policy
2 may provide that a public comment:
3 (1) Must be pertinent to the political subdivision.
4 (2) May not interfere with the orderly conduct of the regular meeting.
5 (3) May not be defamatory, abusive, harassing, or unlawful.
6 (4) May be prohibited if an alternative procedure exists to bring that particular
7 ~~type of public comment before the political subdivision, the public comment~~
8 includes confidential or exempt information, or the public comment is
9 otherwise prohibited by law.
10 (5) Must be limited in frequency to one comment per individual per meeting.