

**Senate Workforce Development Committee
SB 2350 Testimony**

Chairman Wobbema and Committee members

My name is Cecile Wehrman. I represent the North Dakota Newspaper Association and the state's 73 newspapers.

We oppose SB 2350 because public servants work for the public, they're paid with tax dollars and that entitles the public to timely access to performance and disciplinary records.

We hold public servants to the highest standard, and people who become public servants know this when they accept a position.

While this bill may have been written as a result of a particular set of circumstances in a well meaning attempt to prevent harm in cases of wrongful accusations, it would also provide cover to those employees who abuse the public's trust -- shielding them from scrutiny for three years.

As someone who has reported the news for 40 years I know I cannot even conceive of the potential ways a bill like this might thwart legitimate inquiry. In a 40 year career covering issues involving public servants I can still be surprised by a set of circumstances none of us standing here in this room today can think of.

What this bill appears to have the potential to do, however, is to shield a bad actor from public scrutiny, potentially allowing a dysfunctional situation to be hidden from the public if it never becomes the subject of investigation.

There are any number of cases in which public scrutiny may become the very mechanism that applies the pressure that finally separates a bad actor from public service.

The law already has checks and balances. People are innocent until proven guilty. Wrong accusations will occur but there are already processes in the law to protect against those situations. While well meaning, this attempt to protect the innocent has the potential to give a pass to people who should not be entitled to such protection.

In a few weeks, the nation will celebrate Sunshine Week, an observance celebrating the public's access to open records. It's called sunshine week because sunlight is the great disinfectant. Open records illuminate the truth. Much as we want to protect the innocent, the public is ill served when that protection also has the potential to obscure the record of the guilty. We urge DO NOT PASS.