

Sixty-ninth
Legislative Assembly
of North Dakota

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

5 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

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

8 ~~—44-04-19. Access to public meetings.~~

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

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

18 ~~—2.—For purposes of this section, if the meeting is held in person, the meeting room must-~~
19 ~~be accessible to, and the size of the room must accommodate, the number of~~
20 ~~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. At least one-fourth of the publicly noticed regular meetings of a political subdivision
21 held per year must include an opportunity for an individual in attendance to provide
22 public comment.

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

25 3. A political subdivision may:

26 a. Limit a public comment by time per speaker, total time for public comment, or
27 both.

28 b. Develop a policy regarding public comment rules for regular meetings. The policy
29 may provide a public comment:

30 (1) Must be pertinent to the political subdivision.

31 (2) May not interfere with the orderly conduct of the regular meeting.

- 1 (3) May not be defamatory, abusive, harassing, or unlawful.
- 2 (4) May be prohibited if an alternative procedure exists to bring that particular
- 3 type of public comment before the political subdivision, the public comment
- 4 includes confidential or exempt information, or the public comment is
- 5 otherwise prohibited by law.