

Good afternoon Chairman Longmuir and members of the House Political Subdivisions Committee. For the record, my name is Senator Bob Paulson, and I'm from District 3 in Minot.

This afternoon I bring to you SB 2180, a bill to allow for public comment at public meetings. The ability of a citizen to redress their government and be heard is a bedrock principle of our nation and our state. Frustration with the inability to do so was one of the main reasons we fought the Revolutionary war and established our independence as a nation. And similar frustration exists in North Dakota today.

Consider a Mom who desires to address the school board whose members she helped elect and whose tax dollars enable it to function. She contacts the school administration and finds out that public comment is only allowed once a year and her remarks have to be submitted beforehand for approval to be put on the agenda. Imagine if she would have found this out just after that annual meeting and was told she had to wait almost another year to redress them and be heard.

Or, consider another Mom in a different city who hears about an issue that was just discussed at a recent school board meeting that affects her and her children. She decides she needs to make her voice heard, so she checks the web site, learns that public comment is allowed, clears her calendar and arranges child care for her children, travels to the school board meeting to redress the school board members she helped elect, only to be told that her comments are out of order because she is addressing an item that is not on the agenda. It was on the agenda at the last meeting, but it is not on the agenda for the current meeting.

Or another scenario where a political subdivision that happens to be a cooperative, at its annual meeting where several hundred of its members are gathered, finds public comment out of order. These are true stories and are currently happening in North Dakota, and I believe it is incumbent upon us as legislators to protect our constituent's ability to redress their government at all levels of our state. It is my desire to address these scenarios in this bill.

The bill was significantly amended on the Senate side to address concerns of those in opposition, however, there was one amendment that I believe was inadvertently missed. I have provided a copy to you.

I will speak to that amendment as I go through the bill.

The reason that the amendment allows the current agenda and the previous two agendas, is because often members of the public are motivated to speak at a public meeting because of something that was discussed at a meeting that has already occurred. Limiting public comment to only the current agenda will likely preclude their opportunity to redress their governing authorities on an issue they heard about following the meeting. This is something that is currently affecting North Dakota citizens.

So Chairman Longmuir and members of the committee, with that I thank you for what you do and for allowing me to present this bill. That concludes my testimony and I would be happy to stand for any questions.

Sixty-ninth  
Legislative Assembly  
of North Dakota

**PROPOSED AMENDMENTS TO  
FIRST ENGROSSMENT**

**ENGROSSED SENATE BILL NO. 2180**

Introduced by

Senators Paulson, Luick, Weston

Representatives Louser, D. Ruby, D. Johnston

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

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

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

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

- 8 1. At least one-fourth of the publicly noticed regular meetings of a political subdivision  
9 held per year must include an opportunity for an individual in attendance to provide  
10 public comment.  
11 2. An individual providing comment at a meeting shall provide to the political subdivision  
12 in writing the individual's name and address.  
13 3. A political subdivision may:  
14 a. Limit a public comment ~~by:~~  
15 (1) By time per speaker, total time for public comment, or both; and  
16 (2) To the topics on the agenda for the current and two immediately preceding  
17 meetings.  
18 b. Develop a policy regarding public comment rules for regular meetings. The policy  
19 may provide a public comment:  
20 (1) Must be pertinent to the political subdivision.



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

