

North Dakota House of Representatives

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TESTIMONY OF REP. LAWRENCE R. KLEMIN SENATE STATE AND LOCAL GOVERNMENT COMMITTEE HOUSE BILL NO. 1374 MARCH 20, 2025

Mr. Chairman and Members of the Senate State and Local Government Committee. I am Lawrence R. Klemin, Representative for District 47 in Bismarck. I am here to testify in support of House Bill No. 1374. This bill relates to an open meeting exception for a Board of Township Supervisors when conducting an onsite inspection.

The "Sunshine Law" in the North Dakota Constitution requires meetings of governmental bodies to be open to the public unless otherwise provided by law. Article XI, Section 5 provides:

Unless otherwise provided by law, all meetings of public or governmental bodies, boards, bureaus, commissions, or agencies of the state or any political subdivision of the state, or organizations or agencies supported in whole or in part by public funds, or expending public funds, shall be open to the public.

Section 44-04-19 of the North Dakota Century Code provides:

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

Section 44-04-17.1(5) defines an "exempt meeting" as follows:

5. "Exempt meeting" or "exempt record" means all or part of a record or meeting that is neither required by law to be open to the public, nor is confidential, but may be open in the discretion of the public entity.

The purpose of House Bill 1374 is to allow a Board of Township Supervisors to meet as a group of two or more to conduct an onsite inspection of a problem or issue in the

township without violating the open meeting law – that is to “exempt” the Board of Township Supervisors from the formality of giving public notice and scheduling a public meeting just to do an onsite inspection. According to Section 58-06-06 in the chapter on townships, two of the supervisors constitute a quorum. Consequently, unless exempted by law, whenever two or more of the Township Supervisors meet to inspect a problem in the township, it is an open meeting and must meet the requirements of the open meeting law.

The onsite inspection is limited to doing the inspection. The Township Supervisors cannot conduct any other business. Although the onsite inspection is “exempt”, this bill still requires the Board of Township Supervisors to make a good faith effort to notify any news medium by telephone or other usual method that has requested notice to inform them of the onsite inspection. This bill is modeled after a similar law in the State of Minnesota.

Larry Syverson represents the North Dakota Township Officers Association. He is here to answer any questions that you may have about what might be involved in an onsite inspection and any other questions that you have about townships.

I urge you to recommend “do pass” on House Bill No. 1374. Thank you.

Rep. Lawrence R. Klemin
District 47, Bismarck