

**2025 HOUSE JUDICIARY**

**HB 1185**

# 2025 HOUSE STANDING COMMITTEE MINUTES

**Judiciary Committee**  
Room JW327B, State Capitol

HB 1185  
1/15/2025

Relating to an exemption for information contained in personnel records of public employees and records related to internal investigations by the department of corrections and rehabilitation.

11:26 a.m. Chairman Klemin opened the hearing.

Members Present: Chairman Klemin, Vice-Chairman Karls, Vice-Chairman Vetter, Representatives Christianson, Henderson, Hoverson, Johnston, McLeod, Olson, Satrom, Tveit, VanWinkle, Wolff, Schneider

**Discussion Topics:**

- Effects of transparency
- Appropriate use of confidentiality

11:27 a.m. Representative Scott Louser, North Dakota Representative for District 5, introduced the bill and testified in favor.

11:28 a.m. Mike Blessum, Minot Resident, testified in favor and provided testimony #29128

11:37 a.m. Stephanie Engebretson, Attorney at North Dakota League of Cities, testified in favor and provided testimony #29145

11:44 a.m. Harold Stewart, City of Minot city manager, testified in favor.

12:00 p.m. Donnell Preskey, Government Relations/Public Relations Specialist at North Dakota Association of Counties, testified in opposition.

12:03 p.m. Chairman Klemin closed the hearing.

*Wyatt Armstrong, Committee Clerk*

Chairman Klemin and members of the House Judiciary committee. My name is Mike Blessum. I am a Minot resident and sitting alderman on the Minot City Council. I'd like to give you my perspectives on HB1185 and ask you for a do pass recommendation. These thoughts are mine and are not the official positions of the City of Minot or other council members.

In my role on the Minot City Council, I am responsible for working with city staff leadership to develop the city budget – including programs and strategies for compensation plans. I believe it is imperative that we move away from the current practice of job grades and time in position as our primary factors in compensation. Moving to a merit based compensation model will allow us to reward our strongest performers while holding marginal performers accountable. This process, used throughout the private sector, is the key to controlling personnel costs at the local level.

In our last budget cycle we were asked to approve what was essentially an across the board pay increase of just over 7%. Through council action we were able to lower that amount to about 5%. That amount applied to all positions equally based on job grade and time in position, including those that may not be performing at satisfactory levels. This process must change to enhance the organizational culture and cost structure.

A major challenge with merit based pay is the open nature of public employee personnel records. City leaders are unlikely to give meaningful feedback to their employees when the performance evaluations and other coaching documentation are available through records requests. Employees can request the evaluations of their coworkers. This undermines the coaching process and makes a merit based pay plan much more difficult.

The North Dakota Supreme Court has ruled in *City of Grand Forks v. Grand Forks Herald* and then *Hovet v. Hebron Public School District* that personnel records of government employees are public records subject to records requests. They also made it clear in the decisions that the legislature had the authority to close the records through the law. That is what we are asking you

to do with this bill. I would ask you to return a do pass recommendation on HB1185.

Thank you for your consideration. I would stand for any questions.

Alderman Mike Blessum – Minot City Council

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701-818-2000

North Dakota League of Cities Proposed Amendment to HB 1185

44-04-18.1. Public employee personal, medical, and employee assistance records - Confidentiality  
- Personal information maintained by state entities - Exempt.

1. Any record of a public employee's medical treatment or use of an employee assistance program is not to become part of that employee's personnel record and is confidential and, except as otherwise authorized by law, may not be used or disclosed without the written authorization of the employee. As used in this section, the term "public employee" includes any individual who has applied for employment, is employed, or has been employed by a public entity.

2. Except as otherwise specifically provided by law, personal information regarding a public employee contained in an employee's personnel record or given to the state or a political subdivision by the employee in the course of employment is exempt. As used in this section, "personal information" means a person's month and day of birth; home address; home telephone number or personal cell phone number; photograph; medical information; motor vehicle operator's identification number; public employee identification number; payroll deduction information; the name, address, telephone number, and date of birth of any dependent or emergency contact; any credit, debit, or electronic fund transfer card number; any account number at a bank or other financial institution. Information regarding the type of leave taken by an employee is exempt, although the amount of leave taken or accrued, and the dates of the leave taken, is public record. Information regarding leave applied for but not yet taken is exempt until the leave is taken.  
Employee performance and discipline records, unless part of an internal investigation under subsection 6, are exempt.

3. Nonconfidential information contained in a personnel record of an employee of a public entity as defined in subdivision c of subsection 13 of section 44-04-17.1 is exempt.

4. Except as otherwise specifically provided by law, personal information regarding a licensee maintained by an occupational or professional board, association, state agency, or commission created by law is exempt. As used in this section, "licensee" means an individual who has applied for, holds, or has held in the past an occupational or professional license, certificate, credential, permit, or registration issued by a state occupational or professional board, association, agency, or commission.

5. Information relating directly to persons engaged in an organized public safety peer counseling or a public safety peer debriefing is exempt.

6. Records relating to a public entity's internal investigation of a complaint against a public entity or employee for misconduct are exempt until the investigation of the complaint is complete, but no longer than ~~seventy-five~~ one-hundred and eighty calendar days from the date of the complaint.

# 2025 HOUSE STANDING COMMITTEE MINUTES

**Judiciary Committee**  
Room JW327B, State Capitol

HB 1185  
1/15/2025

Relating to an exemption for information contained in personnel records of public employees and records related to internal investigations by the department of corrections and rehabilitation.

2:19 p.m. Chairman Klemin opened the hearing.

Members Present: Chairman Klemin, Vice-Chairman Karls, Vice-Chairman Vetter, Representatives Christianson, Henderson, Hoverson, Johnston, McLeod, Olson, Satrom, Tveit, VanWinkle, Wolff, Schneider

**Discussion Topics:**

- Effectiveness of the bill
- Statute of limitations
- North Dakota sunshine law

2:27 p.m. Representative Vetter moved a Do Not Pass.

2:28 p.m. Representative Christianson seconded the motion.

Representatives	Vote
Representative Lawrence R. Klemin	Y
Representative Karen Karls	Y
Representative Steve Vetter	Y
Representative Nels Christianson	Y
Representative Donna Henderson	N
Representative Jeff Hoverson	N
Representative Daniel Johnston	N
Representative Carrie McLeod	Y
Representative SuAnn Olson	Y
Representative Bernie Satrom	Y
Representative Mary Schneider	Y
Representative Bill Tveit	N
Representative Lori VanWinkle	N
Representative Christina Wolff	N

2:29 p.m. Motion passed 8-6-0.

2:29 p.m. Representative Schneider will carry the bill.

2:30 p.m. Chairman Klemin closed the hearing.

*Wyatt Armstrong, Committee Clerk*

**REPORT OF STANDING COMMITTEE**  
**HB 1185 ([25.0424.01000](#))**

**Judiciary Committee (Rep. Klemin, Chairman)** recommends **DO NOT PASS** (8 YEAS, 6 NAYS, 0 ABSENT AND NOT VOTING). HB 1185 was placed on the Eleventh order on the calendar.