

Sixty-first
Legislative Assembly
of North Dakota

SENATE BILL NO.

Introduced by

Senator G. Lee

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 exempting certain employment application information from open
3 records requirements and to the holding of executive sessions.

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
6 created and enacted as follows:

7 **Employment application - Exempt records - Executive session.**

- 8 1. A record that would identify an individual applying for or under consideration for
9 employment or appointment as the executive head of a public entity is an exempt
10 record, except that at least fourteen days before the meeting at which a final action
11 or vote is to be taken with respect to the selection or appointment for the position,
12 each record relating to each individual under final consideration for the position
13 must be deemed to be a public record.
- 14 2. Before making a record under subsection 1 public, the public entity may allow each
15 individual under final consideration to decline being considered further for the
16 position and request that any record relating to that individual's application
17 continue to be an exempt record.
- 18 3. Notwithstanding subsections 1 and 2, upon request, a public entity shall provide
19 information regarding the number of applicants for consideration for employment or
20 appointment as the executive head of a public entity.
- 21 4. A governing body may hold an executive session under section 44-04-19.2 to
22 discuss applicants and individuals under consideration for employment or
23 appointment as the executive head of the public entity or to conduct a preliminary

- 1 interview of an individual before the selection of the individuals who will be
- 2 considered for final consideration for the position.