

January 23, 2009

PROPOSED AMENDMENTS TO SENATE BILL NO. 2087

Page 1, replace lines 9 through 23 with:

- "1. Except as otherwise provided in this section, a record that would identify an individual applying for or under consideration for employment or appointment as the commissioner of higher education or president of an institution under the control of the state board of higher education is an exempt record as defined in section 44-04-17.1. The board or a board search committee, upon request, shall disclose information regarding the number of applicants or candidates for a position covered by this section.
2. Once the board or board search committee begins to reduce the number of applicants or candidates under consideration for a position, the board or board search committee shall notify each applicant or candidate remaining under consideration that any record relating to the candidate will become an open record if the applicant or candidate elects to remain under consideration for the position. If an applicant or candidate elects to withdraw from consideration for the position, any record relating to that individual remains an exempt record.
3. If the board or board search committee considers a new applicant or candidate after the initial reduction in the number of applicants or candidates, any record relating to the new applicant or candidate is an open record.
4. The board or board search committee may enter an executive session under section 44-04-19.2 to consider or discuss an exempt record or the identity of an applicant or candidate whose records are exempt under this section."

Page 2, remove lines 1 through 18

Renumber accordingly