

Sixty-first  
Legislative Assembly  
of North Dakota

## ENGROSSED SENATE BILL NO. 2087

Introduced by

Education Committee

(At the request of the State Board of Higher Education)

1 A BILL for an Act to create and enact a new section to chapter 15-10 of the North Dakota  
2 Century Code, relating to exempting information regarding individuals applying for certain  
3 university system positions from open records requirements.

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

5 **SECTION 1.** A new section to chapter 15-10 of the North Dakota Century Code is  
6 created and enacted as follows:

7 **Commissioner and higher education institution president employment**  
8 **applications - Exempt records.**

- 9 1. Except as otherwise provided in this section, a record that would identify an  
10 individual applying for or under consideration for employment or appointment as  
11 the commissioner of higher education or president of an institution under the  
12 control of the state board of higher education is an exempt record as defined in  
13 section 44-04-17.1. The board or a board search committee, upon request, shall  
14 disclose information regarding the number of applicants or candidates for a  
15 position covered by this section.
- 16 2. Once the board or board search committee begins to reduce the number of  
17 applicants or candidates under consideration for a position, the board or board  
18 search committee shall notify each applicant or candidate remaining under  
19 consideration that any record relating to the candidate will become an open record  
20 within two weeks unless the applicant or candidate elects to withdraw from  
21 consideration for the position. If an applicant or candidate elects to withdraw from  
22 consideration for the position, any record relating to that individual remains an  
23 exempt record.

- 1           3. If the board or board search committee considers a new applicant or candidate  
2           after the initial reduction in the number of applicants or candidates, any record  
3           relating to the new applicant or candidate is an open record.
- 4           4. The board or board search committee may enter an executive session under  
5           section 44-04-19.2 to consider or discuss an exempt record or the identity of an  
6           applicant or candidate whose records are exempt under this section.