

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1127

Page 1, line 3, after the first comma insert "section 49-24-13," and after the second comma insert "section 54-17.5-06,"

Page 1, line 5, replace the first "and" with a comma and after "commission" insert ", reporting requirements, and confidential records"

Page 1, after line 12, insert:

**"SECTION 2. AMENDMENT.** Section 49-24-13 of the North Dakota Century Code is amended and reenacted as follows:

**49-24-13. ~~Biennial report to legislative council~~ Reporting requirements.**  
The authority shall deliver a written report on its activities to the legislative council each biennium. Notwithstanding chapter 54-60.1, the authority shall provide an annual report to the industrial commission detailing activities and expenditures incurred during the preceding year."

Page 1, remove line 20

Page 1, line 21, remove "Constitution of North Dakota and"

Page 2, line 10, replace "A request" with "The information submitted"

Page 2, after line 24, insert:

**"SECTION 5. AMENDMENT.** Section 54-17.5-06 of the North Dakota Century Code is amended and reenacted as follows:

**54-17.5-06. Access to commission records.**

1. Materials and data submitted to, or made or received by, the commission, to the extent that the commission determines the materials or data consist of trade secrets or commercial, financial, or proprietary information of individuals or entities applying to or contracting with the commission or receiving commission services under this chapter, ~~are not public records subject to section 44-04-18 and section 6 of article XI of the Constitution of North Dakota, and~~ are subject to section 44-04-18.4.
2. A person or entity must file a request with the commission to have material designated as confidential under subsection 1. The request must contain any information required by the commission, and must include at least the following:
  - a. A general description of the nature of the information sought to be protected.
  - b. An explanation of why the information derives independent economic value, actual or potential, from not being generally known to other persons.

- c. An explanation of why the information is not readily ascertainable by proper means by other persons.
  - d. A general description of any person or entity that may obtain economic value from disclosure or use of the information, and how the person or entity may obtain this value.
  - e. A description of the efforts used to maintain the secrecy of the information.
3. Any ~~request~~ request information submitted under subsection 2 is confidential. The commission shall examine the request and determine whether the information is relevant to the matter at hand and is a trade secret under the definition in section 47-25.1-01 or 44-04-18.4. If the commission determines the information is either not relevant or not a trade secret, the commission shall notify the requester and the requester may ask for the return of the information and request within ten days of the notice. If no return is sought, the information and request are a public record.
  4. The names or identities of independent technical reviewers on any project or program and the names of individual lignite council members making recommendations are confidential; and may not be disclosed by the commission, ~~and are not public records subject to section 44-04-18 or section 6 of article XI of the Constitution of North Dakota.~~

Renumber accordingly