

FIRST ENGROSSMENT
with House Amendments

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 reduces the number of applicants or
17 candidates by fifty percent from the total number of applicants or candidates for a
18 position, the board or board search committee shall notify each applicant or
19 candidate remaining under consideration that any record relating to the applicant
20 or candidate will become an open record within two weeks unless the applicant or
21 candidate elects to withdraw from consideration for the position. If the total
22 number of applicants or candidates for the position is six or fewer, however, the
23 board or board search committee shall notify each applicant or candidate who will
24 be interviewed for the position that any record relating to the applicant or candidate

- 1 will become an open record within two weeks unless the applicant or candidate
2 elects to withdraw from consideration for the position. If an applicant or candidate
3 elects to withdraw from consideration for the position, any record relating to that
4 individual remains an exempt record.
- 5 3. If the board or board search committee considers a new applicant or candidate
6 after the initial reduction in the number of applicants or candidates, any record
7 relating to the new applicant or candidate is an open record.
- 8 4. The board or board search committee may enter an executive session under
9 section 44-04-19.2 to consider or discuss an exempt record or the identity of an
10 applicant or candidate whose records are exempt under this section.