

HOUSE BILL NO. 1402

Introduced by

Representatives Rich S. Becker, D. Anderson, Delmore, Hunskor, Maragos, Monson, J. Nelson, Owens

Senators Burckhard, Campbell, Laffen

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 information regarding individuals applying for certain North
3 Dakota university system and school district positions.

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 created
6 and enacted as follows:

7 **Certain higher education and school district employment applications - Exempt**
8 **records.**

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

1 candidate elects to withdraw from consideration for the position, any record relating to
2 that individual remains an exempt record.

3 3. If the board or board search committee or board of the school district considers a new
4 applicant or candidate after reducing the number of applicants or candidates to three
5 or fewer finalists for a position, any record relating to the new applicant or candidate
6 and any record relating to any finalist for the position which has not already become a
7 public record is an exempt record for up to thirty days after the board or board search
8 committee or board of the school district accepts the application of the new applicant
9 or candidate for consideration. No later than thirty days after acceptance of the
10 application of the new applicant or candidate, the board or board search committee or
11 board of the school district shall notify each applicant or candidate remaining under
12 consideration that any record relating to the applicant or candidate will become an
13 open record within two weeks unless the applicant or candidate elects to withdraw
14 from consideration for the position.

15 4. The board or board search committee or board of the school district may enter an
16 executive session under section 44-04-19.2 to consider or discuss an exempt record
17 or the identity of an applicant or candidate whose records are exempt under this
18 section.