

**HOUSE BILL NO. 1333**

Introduced by

Representatives Rich S. Becker, Delmore, Guggisberg, M. Johnson, Longmuir, McWilliams  
Senators Campbell, Krebsbach, Kreun, J. Lee

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  
3 positions under the authority of the state board of higher education.

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 employment applications - Exempt records.**

- 8 1. As used in this section, "hiring authority" means the individual or group of individuals  
9 with the authority to hire or screen applicants or candidates for the position of  
10 commissioner of higher education or a president, vice president, provost, dean,  
11 athletic director, or head coach at an institution under the control of the state board of  
12 higher education.
- 13 2. Except as otherwise provided in this section, a record that would identify an individual  
14 applying for or under consideration for employment or appointment as the  
15 commissioner of higher education or a president, vice president, provost, dean,  
16 athletic director, or head coach at an institution under the control of the state board of  
17 higher education is an exempt record as defined in section 44-04-17.1. The hiring  
18 authority shall disclose the number of applicants or candidates for a position covered  
19 by this section.
- 20 3. Once the hiring authority reduces the number of applicants or candidates to three or  
21 fewer finalists for a position, the hiring authority shall notify each applicant or  
22 candidate remaining under consideration that any record relating to the applicant or  
23 candidate will become an open record within fourteen days unless the applicant or  
24 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           4. If the hiring authority considers a new applicant or candidate after reducing the  
4           number of applicants or candidates to three or fewer finalists for a position, any record  
5           relating to the new applicant or candidate and any record relating to any finalist for the  
6           position which has not already become an open record is an exempt record for up to  
7           fourteen days after the hiring authority accepts the application of the new applicant or  
8           includes the new candidate for consideration. No later than seven days after  
9           acceptance of the application of the new applicant or inclusion of the new candidate,  
10          the hiring authority shall notify each applicant or candidate remaining under  
11          consideration that any record relating to the applicant or candidate will become an  
12          open record within seven days unless the applicant or candidate elects to withdraw  
13          from consideration for the position.

14          5. A hiring authority that is a public entity may enter an executive session under section  
15          44-04-19.2 to consider or discuss the application or candidacy of an applicant or  
16          candidate whose records are exempt under this section.