

**FIRST ENGROSSMENT
with House Amendments
ENGROSSED SENATE BILL NO. 2221**

Introduced by

Senators J. Lee, Kreun, Mathern

Representatives Roers Jones, Schatz

1 A BILL for an Act to amend and reenact section 44-04-18.6 of the North Dakota Century Code,
2 relating to exempting records of communications between legislators and public employees
3 from open records laws.

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

5 **SECTION 1. AMENDMENT.** Section 44-04-18.6 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **44-04-18.6. Access to legislative records and information.**

8 1. The following records, regardless of form or characteristic, of or relating to the
9 legislative council, the legislative management, the legislative assembly, the house of
10 representatives, the senate, or a member of the legislative assembly are not subject to
11 section 44-04-18 and section 6 of article XI of the Constitution of North Dakota: a

12 a. A record of a purely personal or private nature,~~a~~

13 b. A record that is legislative council work product or is legislative council-client
14 communication,~~a~~

15 c. A record that reveals the content of private communications between a member
16 of the legislative assembly and any person,~~i~~ and, ~~except~~

17 d. ~~Except~~ with respect to a governmental entity determining the proper use of
18 telephone service, a record of telephone usage which identifies the parties or lists
19 the telephone numbers of the parties involved.

20 2. The exception in subdivision c of subsection 1 applies to records possessed by a
21 member of the legislative assembly or by any other public officer or employee.

22 3. This section does not apply to any record distributed at a meeting subject to section
23 44-04-19 and section 5 of article XI of the Constitution of North Dakota.