

- 1 of the governing body are present but are not discussing public business as
2 the full governing body or as a task force or working group;
- 3 (3) The attendance of members of a governing body at meetings of any
4 national, regional, or state association to which the public entity, the
5 governing body, or individual members belong; ~~and~~
- 6 (4) Training seminars whereat which no other public business is considered or
7 discussed; and
- 8 (5) Administration of examinations by a regulatory board when no other public
9 business is considered or discussed.
- 10 c. Notwithstanding subdivisions a and b, as applied to the legislative assembly,
11 "meeting" means any gathering subject to section 14 of article IV of the
12 Constitution of North Dakota.

13 **SECTION 2. AMENDMENT.** Section 44-04-18.27 of the North Dakota Century Code is
14 amended and reenacted as follows:

15 **44-04-18.27. Applications for public employment - Hiring process - Confidential**
16 **records and open records.**

17 If a public entity or any person delegated authority by a public entity to review applications
18 or make hiring decisions receives applications from three or more applicants who meet the
19 minimum qualifications for a vacant position, the public entity or other person shall designate
20 three or more of the qualified applicants as finalists for further consideration before the public
21 entity or other person may issue an offer of employment to fill the position. However, if the
22 public entity or other person does not wish to consider any of the applications further and
23 decides not to make an offer of employment for the vacant position, the public entity need not
24 designate any finalist. The applications and any records related to the applications which
25 contain information that could reasonably be used to identify an applicant are ~~confidential,~~
26 ~~except records related to finalists are open to the public after~~ exempt and may be withheld until
27 the finalists are designated, at which time the records are open to the public. The public entity or
28 other person reviewing applications on behalf of the public entity shall comply with all
29 requirements for an executive session to discuss ~~confidential~~ exempt applications. If, by the
30 close of the application period for a vacant position, a public entity receives applications from

1 fewer than three applicants who meet the minimum qualifications, the applications and records
2 related to the applications are open to the public.

3 **SECTION 3. AMENDMENT.** Section 44-04-19 of the North Dakota Century Code is
4 amended and reenacted as follows:

5 **44-04-19. Access to public meetings.**

6 Except as otherwise specifically provided by law, all meetings of a public entity must be
7 open to the public. That portion of a meeting of the governing body of a public entity as defined
8 in subdivision c of subsection 13 of section 44-04-17.1 which does not regard public business is
9 not required to be open under this section.

- 10 1. This section is violated when any person is denied access to a meeting under this
11 section, unless such refusal, implicitly or explicitly communicated, is due to a lack of
12 physical space in the meeting room for the ~~person or~~ persons seeking access or lack
13 of electronic capacity to allow public viewing of the meeting through electronic means.
- 14 2. For purposes of this section, if the meeting is held in person, the meeting room must
15 be accessible to, and the size of the room must accommodate, the number of persons
16 reasonably expected to attend the meeting. If the meeting is held by electronic means,
17 the electronic capacity must accommodate the number of persons reasonably
18 expected to attend the meeting remotely.
- 19 3. The right of a person to attend a meeting under this section includes the right to
20 photograph, to record ~~on audiotape or videotape~~ and to broadcast live ~~on radio or~~
21 ~~television~~ the portion of the meeting that is not held in executive session, provided that
22 there is no active interference with the conduct of the meeting. The exercise of this
23 right may not be dependent upon the prior approval of the governing body. However,
24 the governing body may impose reasonable limitations on recording activity to
25 minimize the possibility of disruption of the meeting.
- 26 4. For meetings subject to this section ~~when one or more of the members of the~~
27 ~~governing body is participating by telephone or video,~~ a speakerphone or monitor must
28 be provided at the location specified, if the meeting is held through any electronic
29 means, the information necessary to join or view the meeting electronically must be
30 included in the notice issued under section 44-04-20.