

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO

HOUSE BILL NO. 1356

Introduced by

Representatives Louser, Ista, Lefor

Senators Hogan, Hogue

1 A BILL ~~for an Act to amend and reenact section 44-04-18.6 of the North Dakota Century Code,~~
2 ~~relating to the legislative leaders' access to requests to the legislative council made by~~
3 ~~members of the legislative assembly.~~for an Act to create and enact a new section to chapter
4 54-03 of the North Dakota Century Code, relating to access to requests to the legislative council
5 made by members of the legislative assembly.

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

7 ~~— **SECTION 1. AMENDMENT.** Section 44-04-18.6 of the North Dakota Century Code is~~
8 ~~amended and reenacted as follows:~~

9 ~~— **44-04-18.6. Access to legislative records and information.**~~

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

14 ~~— a. A record of a purely personal or private nature;~~

15 ~~— b. A record that is legislative council work product or is legislative council-client~~
16 ~~communication;~~

17 ~~— c. A record that reveals the content of communications between a member of the~~
18 ~~legislative assembly and any person; and~~

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

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

6 ~~3. This section does not apply to any record distributed at a meeting subject to section~~
7 ~~44-04-19 and section 5 of article XI of the Constitution of North Dakota.~~

8 ~~4. Notwithstanding subsection 1, information related to a request to the legislative council~~
9 ~~made by a member of the legislative assembly for a draft of a bill or resolution or a~~
10 ~~revision to a bill or resolution may be disclosed to the caucus leader of the requester's~~
11 ~~political faction.~~

12 **SECTION 1.** A new section to chapter 54-03 of the North Dakota Century Code is created
13 and enacted as follows:

14 **Requests for legislation - Legislative council - Disclosure to caucus leader.**

15 1. The legislative council shall disclose to the caucus leader of the requester's political
16 faction the topic of a request to the legislative council made by a member of the
17 legislative assembly for a draft bill or resolution or a revision to a draft bill or resolution
18 and the name of the requester.

19 2. A draft or revision of a draft bill or resolution drafted for a member of the legislative
20 assembly may be disclosed to the caucus leader of the requester's political faction,
21 unless the member of the legislative assembly elects to maintain the confidentiality of
22 the draft or revision of a draft bill or resolution with respect to the caucus leader of the
23 requester's political faction in the manner prescribed by the legislative council.

24 3. Records disclosed to the caucus leader of the requester's political faction under this
25 section are not subject to section 44-04-18 and section 6 of article XI of the
26 Constitution of North Dakota.