

Fifty-sixth
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2372

Introduced by

Senator Naaden

1 A BILL for an Act to amend and reenact subsection 1 of section 44-04-21.1 of the North Dakota
2 Century Code, relating to the administrative review procedure for a written denial of a request
3 for public records or a denial of access to a public meeting.

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

5 **SECTION 1. AMENDMENT.** Subsection 1 of section 44-04-21.1 of the 1997
6 Supplement to the North Dakota Century Code is amended and reenacted as follows:

7 1. Any interested person may request an attorney general's opinion to review a
8 written denial of a request for records under section 44-04-18, a denial of access
9 to a meeting under section 44-04-19, or other alleged violation of section 44-04-18,
10 44-04-19, 44-04-19.2, 44-04-20, or 44-04-21 by any public entity other than the
11 legislative assembly or any committee thereof. A request made under this section
12 must be made within thirty days of the alleged violation. In preparing an opinion
13 under this section, the attorney general has discretion to obtain and review a
14 recording made under section 44-04-19.2. The attorney general shall issue an
15 opinion to the public entity involved ~~an~~ and to the person requesting the opinion ~~an~~
16 which addresses the alleged violation unless the request is withdrawn by the
17 person requesting the opinion or a civil action has been filed involving the possible
18 violation. If the request pertains to a public entity as defined in subdivision c of
19 subsection 12 of section 44-04-17.1, the opinion must be issued to the public entity
20 providing the public funds and to the person requesting the opinion. In any opinion
21 issued under this section, the attorney general shall base the opinion on the facts
22 given by the public entity.