

**HOUSE BILL NO. 1402**

Introduced by

Representatives Rich S. Becker, D. Anderson, Delmore, Hunskor, Maragos, Monson, J. Nelson, Owens

Senators Burckhard, Campbell, Laffen

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 North  
3 Dakota university system and school district positions.

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 and school district employment applications - Exempt**  
8 **records.**

- 9 1. Except as otherwise provided in this section, a record that would identify an individual  
10 applying for or under consideration for employment or appointment as the  
11 commissioner of higher education; a vice chancellor of the state board of higher  
12 education; a president, vice president, provost, dean, athletic director, or coach at an  
13 institution under the control of the state board of higher education; or school district  
14 superintendent is an exempt record as defined in section 44-04-17.1. The state board  
15 of higher education or a board search committee or the board of a school district, upon  
16 request, shall disclose information regarding the number of applicants or candidates  
17 for a position covered by this section.
- 18 2. Once the board or board search committee or board of a school district reduces the  
19 number of applicants or candidates to three or fewer finalists for a position, the board  
20 or board search committee or board of the school district shall notify each applicant or  
21 candidate remaining under consideration that any record relating to the applicant or  
22 candidate will become an open record within two weeks unless the applicant or  
23 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           3. If the board or board search committee or board of the school district considers a new  
4           applicant or candidate after reducing the number of applicants or candidates to three  
5           or fewer finalists for a position, any record relating to the new applicant or candidate  
6           and any record relating to any finalist for the position which has not already become a  
7           public record is an exempt record for up to thirty days after the board or board search  
8           committee or board of the school district accepts the application of the new applicant  
9           or candidate for consideration. No later than thirty days after acceptance of the  
10           application of the new applicant or candidate, the board or board search committee or  
11           board of the school district shall notify each applicant or candidate remaining under  
12           consideration that any record relating to the applicant or candidate will become an  
13           open record within two weeks unless the applicant or candidate elects to withdraw  
14           from consideration for the position.

15           4. The board or board search committee or board of the school district may enter an  
16           executive session under section 44-04-19.2 to consider or discuss an exempt record  
17           or the identity of an applicant or candidate whose records are exempt under this  
18           section.