15.0487.01000

Sixty-fourth
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1180

Introduced by

Representatives D. Anderson, Boe, Dockter, Maragos

Senators Burckhard, Robinson

1   A BILL for an Act to amend and reenact section 6-09.10-10 of the North Dakota Century Code,

2   relating to the confidentiality of mediation.

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

4   **SECTION 1. AMENDMENT.** Section 6-09.10-10 of the North Dakota Century Code is

5   amended and reenacted as follows:

6   **6-09.10-10. Mediation - Open records and meetings exception.**

7   1.   a.   Information created, collected, ~~and~~or maintained, by the North Dakota mediation

8   service, in the course of any formal or informal mediation, is confidential and not

9   subject to the open records requirements of section 44-04-18. The information

10   may be released only upon the written consent of all parties to the mediation or

11   pursuant to an order issued by the court upon a showing of good cause.

12   b.   (1)   Mediation communication is confidential and not subject to the open records

13   requirements of section 44-04-18. Mediation communication may be

14   released only upon the written consent of all parties to the mediation or

15   pursuant to an order issued by the court upon a showing of good cause.

16   (2)   For purposes of this subdivision, "mediation communication" means a

17   written statement, and an oral statement or any nonverbal communication,

18   either of which must be inscribed on a tangible medium or stored in a

19   medium that is retrievable in perceivable form, provided the communication

20   occurs during a mediation or is made for purposes of considering, initiating,

21   conducting, continuing, or reconvening a mediation.

22   2.   All mediation meetings and meetings involving the board, negotiators, mediators, or

23   other personnel are confidential, closed meetings and are not subject to the open

1   meetings requirements of section 44-04-19~~, if the finances of specific farmers,~~

2   ~~creditors, or others are discussed~~.