

Sixty-sixth
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2221

Introduced by

Senators J. Lee, Kreun, Mathern

Representatives Roers Jones, Schatz

1 A BILL for an Act to amend and reenact section 44-04-18.6 of the North Dakota Century Code,
2 relating to exempting records of communications between legislators and public employees
3 from open records laws.

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

5 **SECTION 1. AMENDMENT.** Section 44-04-18.6 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **44-04-18.6. Access to legislative records and information.**

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

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

13 b. A record that is legislative council work product or is legislative council-client
14 communication; ~~a;~~

15 c. A record that reveals the content of private communications between a member
16 of the legislative assembly and any person; ~~i~~ and, ~~except~~

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

20 2. ~~The exception in subdivision c of subsection 1 applies to records possessed by:~~

21 ~~a. A a member of the legislative assembly; or~~

22 ~~b. Any by any other public officer or employee if the record concerns litigation,~~
23 ~~legislation, or liability involving the public employee or a public entity.~~

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- 1 3. This section does not apply to any record distributed at a meeting subject to section
- 2 44-04-19 and section 5 of article XI of the Constitution of North Dakota.