

**HOUSE BILL NO. 1333**

Introduced by

Representatives Rich S. Becker, Delmore, Guggisberg, M. Johnson, Longmuir, McWilliams  
Senators Campbell, Krebsbach, Kreun, J. Lee

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  
3 positions under the authority of the state board of higher education.

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 employment applications - ~~Exempt~~Confidential records.**

8 1. As used in this section, "~~hiring unless context otherwise requires:~~

9 a. "Hiring authority" means the individual or group of individuals with the authority to  
10 hire or screen applicants or candidates for the position of commissioner of higher  
11 education or ~~a president, vice president, provost, dean, athletic director, or head~~  
12 ~~coach at~~ of an institution under the control of the state board of higher education.

13 b. "Finalist" means an applicant or candidate for the position of commissioner of  
14 higher education or president of an institution under the control of the state board  
15 of higher education who is selected to be interviewed and agrees to be  
16 interviewed by the hiring authority prior to the selection of the commissioner or  
17 president.

18 2. ~~Except as otherwise provided in this section, a~~A record that would identify an  
19 individual applying for or under consideration for employment or appointment as the  
20 commissioner of higher education or ~~a president, vice president, provost, dean,~~  
21 ~~athletic director, or head coach at~~ of an institution under the control of the state board  
22 of higher education is ~~an exempt~~a confidential record ~~as defined in section 44-04-17.1~~  
23 until the individual becomes a finalist. The hiring authority shall disclose the number of  
24 applicants or candidates for a position covered by this section.

1       ~~3.—Once the hiring authority reduces the number of applicants or candidates to three or~~  
2       ~~fewer finalists for a position, the hiring authority shall notify each applicant or~~  
3       ~~candidate remaining under consideration that any record relating to the applicant or~~  
4       ~~candidate will become an open record within fourteen days unless the applicant or~~  
5       ~~candidate elects to withdraw from consideration for the position. If an applicant or~~  
6       ~~candidate elects to withdraw from consideration for the position, any record relating to~~  
7       ~~that individual remains an exempt record.~~

8       ~~4.—If the hiring authority considers a new applicant or candidate after reducing the~~  
9       ~~number of applicants or candidates to three or fewer finalists for a position, any record~~  
10       ~~relating to the new applicant or candidate and any record relating to any finalist for the~~  
11       ~~position which has not already become an open record is an exempt record for up to~~  
12       ~~fourteen days after the hiring authority accepts the application of the new applicant or~~  
13       ~~includes the new candidate for consideration. No later than seven days after~~  
14       ~~acceptance of the application of the new applicant or inclusion of the new candidate,~~  
15       ~~the hiring authority shall notify each applicant or candidate remaining under~~  
16       ~~consideration that any record relating to the applicant or candidate will become an~~  
17       ~~open record within seven days unless the applicant or candidate elects to withdraw~~  
18       ~~from consideration for the position.~~

19       ~~5.~~ A hiring authority that is a public entity may enter an executive session under section  
20       44-04-19.2 to consider or discuss the application or candidacy of an applicant or  
21       candidate whose records are ~~exempt~~confidential under this section.