

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 member of the legislative assembly; or

22 b. Any other public officer or employee if the record concerns litigation, legislation,  
23 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.