

Introduced by

Government and Veterans Affairs Committee

(At the request of the Office of Management and Budget)

1 A BILL for an Act to amend and reenact section 44-04-18.27 of the North Dakota Century Code,
2 relating to applications for public employment.

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

4 **SECTION 1. AMENDMENT.** Section 44-04-18.27 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **44-04-18.27. Applications for public employment - Hiring process - Confidential**
7 **records and open records.**

8 ~~If a~~Upon the close of an application period, a public entity or any person delegated authority
9 by a public entity to review applications or make hiring decisions ~~receives applications from~~
10 ~~three or more applicants who meet the minimum qualifications for a vacant position, the public~~
11 ~~entity or other person shall designate three~~may designate one or more of the qualified
12 applicants as finalists for further consideration before the public entity or other person ~~may~~
13 ~~issue~~issues an offer of employment to fill the position. ~~However, if the public entity or other~~
14 ~~person does not wish to consider any of the applications further and decides not to make an~~
15 ~~offer of employment for the vacant position, the public entity need not designate any finalist.~~ The
16 applications and any records related to the applications which contain information that could
17 reasonably be used to identify an applicant are confidential, except records related to finalists
18 are open to the public after the finalists are designated. The public entity or other person
19 reviewing applications on behalf of the public entity shall comply with all requirements for an
20 executive session to discuss confidential applications. ~~If, by the close of the application period~~
21 ~~for a vacant position, a public entity receives applications from fewer than three applicants who~~
22 ~~meet the minimum qualifications, the applications and records related to the applications are~~
23 ~~open to the public~~Section 12.1-13-01 does not apply to confidential records under this section.