**FIRST ENGROSSMENT**

Sixty-fifth
Legislative Assembly
of North Dakota

**ENGROSSED SENATE BILL NO. 2152**

Introduced by

Senators Laffen, Hogue, Poolman

Representatives Kasper, Nathe, Delmore

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 public employment hiring practices and confidentiality of some

3    applications.

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        **Applications for public employment - Hiring process - Confidential records and open**

8    **records.**

9        If a public entity or any person delegated authority by a public entity to review applications

10    or make hiring decisions receives applications from three or more applicants who meet the

11    minimum qualifications for a vacant position, the public entity ~~must~~or other person shall

12    designate three or more of the qualified applicants as finalists for further consideration before

13    the public entity or other person may issue an offer of employment to fill the position. However,

14    if the public entity or other person does not wish to consider any of the applications further and

15    decides not to make an offer of employment for the vacant position, the public entity need not

16    designate any finalist. The applications and any records related to the applications which

17    contain information that could reasonably be used to identify an applicant are confidential,

18    except records related to finalists are open to the public after the finalists are designated. The

19    public entity or other person reviewing applications on behalf of the public entity shall comply

20    with all requirements for an executive session to discuss confidential applications. If, by the

21    close of the application period for a vacant position, a public entity receives applications from

22    fewer than three applicants who meet the minimum qualifications, the applications and records

23    related to the applications are open to the public.