

# HOUSE BILL NO. 1171

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 sections 54-44.3-03, 54-44.3-15, and 54-44.3-16 of the  
2 North Dakota Century Code, relating to membership and voting on the state personnel board  
3 and certification of payroll by the central personnel division director and agency personnel  
4 officers.

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

6 **SECTION 1. AMENDMENT.** Section 54-44.3-03 of the 1997 Supplement to the North  
7 Dakota Century Code is amended and reenacted as follows:

8 **54-44.3-03. State personnel board - Composition - Terms - Vacancies -**  
9 **Qualifications.**

- 10 1. The state personnel board is composed of the director, who must be the chairman  
11 of the board; ~~a member appointed by the board of higher education~~; one member  
12 appointed by the governor; ~~and~~ two members elected by employees classified  
13 under sections 54-44.3-19 and 54-44.3-20; and one member with a professional  
14 human resource background in either public or private employment nominated by  
15 board members and confirmed by majority vote of the other board members.
- 16 2. The term of ~~the~~ each member of the board ~~appointed by the governor and the~~  
17 ~~respective terms of the members of the board elected by classified employees,~~  
18 except the director, must be for six years. ~~However, the member of the board~~  
19 ~~appointed by the governor in 1995 shall serve for a period of six years. Thereafter,~~  
20 ~~all appointments and elections to the personnel board must be for six years'~~  
21 ~~duration.~~ The director's term coincides with employment as director.
- 22 3. Any permanent vacancy in office must be filled for the unexpired term in the same  
23 manner as the selection of the person vacating the office. However, if a board  
24 member voluntarily withdraws from deliberation and voting on an appeal issue

1 where there may be a possible conflict of interest, the vacancy ~~will~~ may be filled  
2 temporarily ~~in the same manner as the selection of the person vacating the office.~~  
3 ~~When a temporary vacancy involves a member of the board elected by classified~~  
4 ~~employees, the automatic substitute must be the candidate that received the~~  
5 ~~second highest number of votes in the election that elected the board member.~~  
6 ~~Temporary board members will be used only in situations when a permanent board~~  
7 ~~member voluntarily vacates the position due to a possible conflict of interest by a~~  
8 ~~nomination from a board member and confirmation by a majority vote of the other~~  
9 ~~members.~~

10 4. ~~3.~~ ~~The~~ Each member of the board ~~appointed by the governor~~ must be a resident of  
11 the state for at least sixty days and must be known to be in sympathy with the  
12 application of merit principles to public employment. ~~Each member of the board~~  
13 ~~elected by classified employees must be a resident of the state for at least sixty~~  
14 ~~days and must be known to be in sympathy with the application of merit principles~~  
15 ~~to public employment. No member of the board appointed by the governor or~~  
16 ~~elected by classified employees may have held a position in a political party within~~  
17 ~~four years immediately preceding the member's appointment or election to the~~  
18 ~~board, and those members of the board elected by classified employees must be~~  
19 ~~full-time employees in good standing of the classified service.~~

20 **SECTION 2. AMENDMENT.** Section 54-44.3-15 of the North Dakota Century Code is  
21 amended and reenacted as follows:

22 **54-44.3-15. Payrolls must be certified by director before payment can be made**  
23 **Payment disapproved by director.** ~~No state disbursing or auditing officer~~ The director may  
24 ~~make or approve or take any part in making or approving any~~ disapprove the payment for  
25 personal service ~~to~~ for any person holding a position in the classified service, except a person  
26 appointed to a position for the duration of an emergency, ~~unless~~ if the director ~~or the director's~~  
27 ~~authorized agent has certified~~ determines that the person named therein has not been  
28 classified and is not imminently to receive classification in accordance with the provisions of this  
29 chapter and the rules and orders thereunder ~~and~~ or that the rate of pay is ~~legal~~ not authorized.

30 **SECTION 3. AMENDMENT.** Section 54-44.3-16 of the North Dakota Century Code is  
31 amended and reenacted as follows:

1           **54-44.3-16. Agency personnel officers.** The elected or appointed chief officer of  
2 each agency or department of the service shall designate a staff employee to serve as  
3 personnel officer for that division of the service to assist ~~him~~ the designated personnel officer in  
4 ~~his~~ that person's duty to administer personnel responsibilities specified in this chapter and by  
5 the personnel rules ~~and regulations~~. The designated personnel officer of each agency or  
6 department shall certify to the agency elected or appointed chief officer that each person  
7 holding a position in the classified service authorized for payment through payroll has been  
8 classified in accordance with the provisions of this chapter and the rules and orders under this  
9 chapter and that the rate of pay is within established current salary ranges or excepted from the  
10 ranges by written authorization by the director.