

**HOUSE BILL NO. 1174**

Introduced by

Representative Carlson

1 A BILL for an Act to create a state employment review commission and to require agencies to  
2 obtain approval from the commission before filling a vacant employee position.

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

4 **SECTION 1. Approval required to fill vacant employee positions.** An executive  
5 branch state agency, excluding entities under the control of the state board of higher education,  
6 may not fill a classified, permanent employee position that becomes vacant unless approval is  
7 received from the state employment review commission.

8 **SECTION 2. State employment review commission - Members.** The state  
9 employment review commission consists of the governor or the governor's designee, the  
10 director of the office of management and budget, and the director of the human resource  
11 management services division of the office of management and budget.

12 **SECTION 3. State employment review commission - Duties and responsibilities.**  
13 Upon request by a state agency for approval under section 1 of this Act to fill a vacant  
14 classified, permanent employee position, the state employment review commission shall review  
15 and consider the following information before approving or denying the agency request:

- 16 1. The length of time the position has been vacant.
- 17 2. The necessity of the position's duties and responsibilities.
- 18 3. The possibility of transferring the position's duties and responsibilities to other  
19 agency employees.
- 20 4. The possibility of restructuring agency duties and responsibilities.
- 21 5. The feasibility of contracting for the duties of the position.

22 **SECTION 4. Report to legislative council.** The state employment review commission  
23 shall report biennially to the legislative council on requests reviewed and on the outcome of  
24 each review.