

**Sixty-sixth Legislative Assembly of North Dakota
In Regular Session Commencing Thursday, January 3, 2019**

SENATE BILL NO. 2103
(Government and Veterans Affairs Committee)
(At the request of the Highway Patrol)

AN ACT to amend and reenact section 39-03-03 of the North Dakota Century Code, relating to patrolmen being deemed probationary employees for a period of up to twelve months; and to amend and reenact subsection 3 of section 39-03-13 of the North Dakota Century Code, relating to the power of the superintendent to delegate authority for disciplinary action within the highway patrol.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 39-03-03 of the North Dakota Century Code is amended and reenacted as follows:

39-03-03. Patrolmen - Appointment - Removal - Duties.

The superintendent, the assistant superintendent, and the patrolmen constitute the highway patrol. The highway patrol shall enforce the provisions of the laws of this state relating to the protection and use of highways and shall patrol the highways and cooperate with sheriffs and police in enforcing the laws regulating the operation of vehicles and the use of highways. All patrolmen and the assistant superintendent must be appointed by the superintendent. Each patrolman so appointed is deemed a ~~temporary appointee~~ probationary employee for ~~an initial~~ period of ~~twelve~~ six months, during which ~~period~~ the patrolman must be placed under probationary training and service and is subject to an extension of an additional period of six months or dismissal at the will of the superintendent or the superintendent's designee. At the end of the ~~twelve-month~~ probationary period, a ~~temporary appointee~~ probationary employee must either be given a permanent appointment by the superintendent ~~taken off probationary status~~ or must be automatically dismissed. ~~The assistant superintendent and patrolmen who have received a permanent appointment are~~ A nonprobationary employee employed in a regular, classified position is subject to removal for cause by the superintendent or the superintendent's designee, but ~~must be permitted to~~ the employee may appeal a dismissal under chapter 54-44.3; provided that the removal of the assistant superintendent from that ~~person's~~ the assistant superintendent position does not entitle that person to appeal the removal unless that person also is also dismissed from the patrol.

SECTION 2. AMENDMENT. Subsection 3 of section 39-03-13 of the North Dakota Century Code is amended and reenacted as follows:

3. The superintendent or the superintendent's designee may take reasonable disciplinary action against members of the patrol for inefficiency, misconduct, insubordination, or violation of an established rule, whenever the superintendent or the superintendent's designee deems the actions necessary, provided that:
 - a. When demotion in rank is ~~summarily~~ summarily ordered against a member of the patrol as a disciplinary measure, to be limited to a one-grade reduction in rank, the order is appealable under chapter 54-44.3.
 - b. When a reduction in pay of a member of the patrol is ~~summarily~~ summarily ordered as a disciplinary measure, it must be limited to one year's duration and the order is appealable under chapter 54-44.3.
 - c. Suspension of pay for a member of the patrol for a period not exceeding seven days may be ~~summarily~~ summarily ordered as a disciplinary measure, but an order for suspension of pay for a longer period is appealable under chapter 54-44.3.

President of the Senate

Speaker of the House

Secretary of the Senate

Chief Clerk of the House

This certifies that the within bill originated in the Senate of the Sixty-sixth Legislative Assembly of North Dakota and is known on the records of that body as Senate Bill No. 2103.

Senate Vote: Yeas 45 Nays 1 Absent 1

House Vote: Yeas 88 Nays 1 Absent 5

Secretary of the Senate

Received by the Governor at _____ M. on _____, 2019.

Approved at _____ M. on _____, 2019.

Governor

Filed in this office this _____ day of _____, 2019,

at _____ o'clock _____ M.

Secretary of State