

Fifty-fifth
Legislative Assembly
of North Dakota

SENATE BILL NO. 2114

Introduced by

Government and Veterans Affairs Committee

(At the request of the Central Personnel Division)

1 A BILL for an Act to create and enact two new sections to chapter 54-44.3 and a new
2 subsection to section 54-44.3-12 of the North Dakota Century Code, relating to federal grants
3 for merit systems, agencies subject to the state merit system, and the rules for merit system
4 compliance; to amend and reenact sections 39-03-03, 39-03-13, 52-02-01, 52-02-06,
5 54-44.3-06, 54-44.3-09, 57-01-05, and 65-02-01 of the North Dakota Century Code, relating to
6 appeals of highway patrol disciplinary actions, job service North Dakota merit appointments,
7 personnel board meetings, duties of the central personnel division director with respect to the
8 merit system, tax commissioner merit appointments, and workers' compensation merit
9 appointments; and to repeal chapter 54-42 of the North Dakota Century Code, relating to the
10 merit system council.

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

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

14 **39-03-03. Patrolmen - Appointment - Removal - Duties.** The superintendent, the
15 assistant superintendent, and the patrolmen ~~shall~~ constitute the highway patrol. The highway
16 patrol shall enforce the provisions of the laws of this state relating to the protection and use of
17 highways and shall patrol ~~such~~ the highways and cooperate with sheriffs and police in enforcing
18 the laws regulating the operation of vehicles and the use of highways. All patrolmen and the
19 assistant superintendent must be appointed by the superintendent. Each patrolman so
20 appointed ~~must be~~ is deemed a temporary appointee for a period of twelve months, during
21 which period ~~he~~ the patrolman must be placed under probationary training and service and is
22 subject to dismissal at the will of the superintendent. At the end of ~~such~~ the twelve-month
23 period, ~~such~~ a temporary appointee must either be given a permanent appointment by the
24 superintendent or must be automatically dismissed. The assistant superintendent and

1 patrolmen who have received a permanent appointment are subject to removal for cause by the
2 superintendent, but must be permitted to appeal a dismissal ~~to the North Dakota merit system~~
3 ~~council in accordance with rules and regulations promulgated under subsection 7 of section~~
4 ~~54-42-03~~ under chapter 54-44.3, provided that the removal of the assistant superintendent from
5 ~~his~~ that person's position does not entitle ~~him~~ that person to appeal ~~such~~ the removal unless ~~he~~
6 that person is also dismissed from the patrol.

7 **SECTION 2. AMENDMENT.** Section 39-03-13 of the North Dakota Century Code is
8 amended and reenacted as follows:

9 **39-03-13. Additional powers of superintendent.** In addition to ~~his~~ the
10 superintendent's powers as a member of the highway patrol, the superintendent of the patrol
11 has the following powers as administrative head of the patrol:

- 12 1. ~~He~~ The superintendent may organize the patrol into ~~such~~ divisions, bureaus, and
13 districts as ~~he~~ the superintendent deems necessary.
- 14 2. ~~He~~ The superintendent may designate ranks, fix salaries with appropriate
15 allowances for those ranks, and establish promotional procedures.
- 16 3. ~~He~~ The superintendent may take reasonable disciplinary action against members
17 of the patrol for inefficiency, misconduct, insubordination, or violation of an
18 established rule ~~or regulation~~, whenever ~~he~~ the superintendent deems ~~such~~ the
19 actions necessary, provided that:
 - 20 a. Where demotion in rank is summarily ordered against a member of the patrol
21 as a disciplinary measure, to be limited to a one-grade reduction in rank, ~~such~~
22 the order is appealable ~~to the North Dakota merit system council in~~
23 ~~accordance with rules and regulations promulgated under subsection 7 of~~
24 ~~section 54-42-03~~ under chapter 54-44.3.
 - 25 b. Where a reduction in pay of a member of the patrol is summarily ordered as a
26 disciplinary measure, it must be limited to one year's duration and ~~such~~ the
27 order is appealable ~~to the North Dakota merit system council in accordance~~
28 ~~with rules and regulations promulgated under subsection 7 of section~~
29 ~~54-42-03~~ under chapter 54-44.3.
 - 30 c. Suspension of pay for a member of the patrol for a period not exceeding
31 seven days may be summarily ordered as a disciplinary measure, but an

order for suspension of pay for a longer period is appealable ~~to the North Dakota merit system council in accordance with rules and regulations promulgated under subsection 7 of section 54-42-03~~ under chapter 54-44.3.

4. ~~Such~~ A suspension of pay for a member of the patrol may be summarily ordered not more than twice in one year as separate disciplinary measures, except that further suspensions are appealable ~~to the North Dakota merit system council in accordance with rules and regulations promulgated under subsection 7 of section 54-42-03~~ under chapter 54-44.3.

SECTION 3. AMENDMENT. Section 52-02-01 of the North Dakota Century Code is amended and reenacted as follows:

52-02-01. Job service North Dakota created. There is hereby created job service North Dakota which is ~~herewith~~ charged with administering the provisions of the North Dakota Unemployment Compensation Law and the provisions of the North Dakota state employment service, as set forth in chapter 52-08, which must be administered by a full-time salaried executive director, who is subject to the supervision and direction of the governor. The governor is authorized to appoint, fix the compensation of, and prescribe the duties of ~~such~~ the executive director, provided that ~~such~~ the appointment must be made on a nonpartisan, merit basis, ~~in accordance with the provisions set forth in chapter 54-42.~~ The duties and responsibilities of the executive director extend to and include the power of full administration of the provisions of the North Dakota Unemployment Compensation Law, and the provisions of chapter 52-08 relating to the North Dakota state employment service, including job insurance programs, and the establishment and maintenance of free public employment offices. The executive director may also establish ~~such~~ separate divisions and make ~~such~~ separate appointments as ~~he may deem~~ the executive director deems advisable for efficient administration of the duties and responsibilities imposed hereunder. Any ~~such~~ separate appointments must be on a nonpartisan, merit basis.

SECTION 4. AMENDMENT. Section 52-02-06 of the North Dakota Century Code is amended and reenacted as follows:

52-02-06. Merit system and personnel.

1. In accordance with chapter ~~54-42~~ 54-44.3 and rules adopted thereunder and on the basis of the authority granted under section 52-02-02, the bureau shall select

1 and prescribe the duties and powers of ~~such~~ officers, employees, and other
2 persons as may be necessary in the performance of its duties under the chapter;
3 provided, that in cooperation with the ~~North Dakota merit system~~ central personnel
4 division the bureau shall take such action as may be necessary to meet the
5 personnel standards ~~promulgated~~ adopted by the secretary of labor pursuant to
6 the Social Security Act [42 U.S.C. 301 et seq.] and the Wagner-Peyser Act [48
7 Stat. 113; 29 U.S.C. 49-49k], both as amended.

- 8 2. Notwithstanding any provision of law to the contrary, the bureau shall have
9 authority to dismiss without notice any person employed in the administration of the
10 North Dakota Unemployment Compensation Law upon receipt of notice of a
11 determination by the United States civil service commission that ~~such~~ that person
12 has violated the provisions of the Act of the Congress of the United States entitled
13 "An Act to prevent pernicious political activities", as amended [18 U.S.C. 61(a)] and
14 that ~~such~~ the violation warrants the removal of ~~such~~ that person from ~~his~~
15 employment.

16 **SECTION 5. AMENDMENT.** Section 54-44.3-06 of the North Dakota Century Code is
17 amended and reenacted as follows:

18 **54-44.3-06. Meetings.** The board shall organize annually at the first meeting of each
19 fiscal year. It shall meet at least ~~six times~~ once a year and at such times and places as are
20 specified by call of the chairman or any three members of the board. All meetings must be
21 open to the public. Three members ~~shall~~ constitute a quorum for the transaction of business.
22 Three favorable votes are necessary for the passage of any resolutions or taking of any official
23 action by the board at any meeting.

24 **SECTION 6. AMENDMENT.** Section 54-44.3-09 of the North Dakota Century Code is
25 amended and reenacted as follows:

26 **54-44.3-09. Board secretariat.** ~~The director shall serve as secretary to the board in a~~
27 ~~nonvoting capacity.~~ The division shall serve as the secretariat to the board.

28 **SECTION 7.** A new subsection to section 54-44.3-12 of the 1995 Supplement to the
29 North Dakota Century Code is created and enacted as follows:

1 Adopt rules, subject to the approval of the board, to ensure compliance with and
2 resolve compliance issues relating to agencies required by state or federal law or
3 rule to be subject to a merit personnel system.

4 **SECTION 8.** A new section to chapter 54-44.3 of the North Dakota Century Code is
5 created and enacted as follows:

6 **Acceptance of federal funds.** The director is authorized to accept federal funds
7 through grant-aided agencies or directly for the purpose of operating or ensuring operation of a
8 merit personnel system.

9 **SECTION 9.** A new section to chapter 54-44.3 of the North Dakota Century Code is
10 created and enacted as follows:

11 **Agencies subject to merit system.** All personnel employed by the department of
12 human services, the regional offices of that department, job service North Dakota, the central
13 personnel division, the state department of health, and other agencies or political subdivisions
14 as may by federal law or rule be required to be subject to a merit system in order to obtain
15 federal grants-in-aid are covered by the merit system provided in this chapter. Merit system
16 coverage must also be provided to personnel employed as purchasing agents or buyers in the
17 purchasing division of the office of management and budget. Other agencies, departments, or
18 divisions and positions must be placed under a merit system in the manner and to the extent
19 required by law.

20 **SECTION 10. AMENDMENT.** Section 57-01-05 of the North Dakota Century Code is
21 amended and reenacted as follows:

22 **57-01-05. State supervisor of assessments.** The state tax commissioner shall
23 ~~appoint from a list of qualified applicants forwarded to him by the North Dakota merit system~~
24 ~~council~~ a supervisor of assessments who must be a person trained and experienced in property
25 appraisals and familiar with assessment and equalization procedures and techniques. ~~If the tax~~
26 ~~commissioner does not desire to appoint a supervisor of assessments from the list of~~
27 ~~candidates forwarded to him by the merit system council, he may request additional lists of~~
28 ~~qualified applicants from the council.~~ The supervisor of assessments ~~shall serve~~ serves at the
29 pleasure of the state tax commissioner and office space must be furnished ~~him~~ to the
30 supervisor of assessments by the commissioner.

1 The supervisor of assessments shall perform the following duties under the direction of
2 the tax commissioner:

- 3 1. ~~He~~ The supervisor of assessments shall advise and give the various assessors in
4 the state the necessary instructions and directions as to their duties under the laws
5 of this state, to the end that a uniform assessment of all real and personal property
6 in this state will be attained.
- 7 2. ~~He~~ The supervisor of assessments shall assist and instruct the various assessors
8 in this state in the use of soil reconnaissance surveys, land classification methods,
9 in the preparation and proper use of land maps and record cards, in the proper
10 classification of real and personal property, and in the determination of proper
11 standards of value.
- 12 3. ~~He has authority to~~ The supervisor of assessments may require the attendance of
13 groups of assessors at meetings called by ~~him~~ the supervisor of assessments for
14 the purpose of giving them further assistance and instruction as to their duties.
- 15 4. ~~He~~ The supervisor of assessments may make sales, market, and productivity
16 studies and other studies of property assessments in the various counties and
17 cities of this state for the purpose of properly advising the various assessors and
18 directors of tax equalization in the state and for the purpose of recommending to
19 the tax commissioner changes to be made by the state board of equalization in the
20 performance of the equalization powers and duties prescribed for it by section
21 57-13-04. In any sales, market, and productivity study made according to section
22 57-01-06, the county directors of tax equalization or city assessors, as the case
23 may be, are responsible for compiling a record of sales of property made in ~~such~~
24 the county or city, and in conjunction with the county commissioners shall analyze
25 ~~such~~ the sales for the purpose of advising the state supervisors of assessments as
26 to the value of using ~~such~~ the sales in any such study. ~~Such~~ The compilations
27 must be forwarded to the state supervisor of assessments with the findings of the
28 county director of tax equalization, city assessors, and the board of county
29 commissioners. In any county or city or any part thereof where the number of
30 sales of properties is insufficient for making a sales, market, and productivity study,
31 the county director of tax equalization or city assessor, as the case may be, in

cooperation with the state supervisor of assessments or ~~his~~ that person's
assistants shall make appraisals of properties in order to determine the market
value.

5. ~~He~~ The supervisor of assessments shall cooperate with ~~the~~ North Dakota state
university ~~of agriculture and applied science~~ in the development of a soil mapping
program, a land classification system, valuation studies, and other matters relating
to the assessment of property, and shall provide for the use of such information
and procedure at the earliest possible date by the assessors of this state.

6. ~~He~~ The supervisor of assessments has general supervision of assessors and
county directors of tax equalization pertaining to methods and procedures of
assessment of all property and has authority to require all county directors of tax
equalization to do any act necessary to obtain uniform methods and procedures of
assessment.

7. ~~He~~ The supervisor of assessments shall perform such other duties relating to
assessment and taxation of property as the tax commissioner ~~shall direct~~ directs.

SECTION 11. AMENDMENT. Section 65-02-01 of the North Dakota Century Code is
amended and reenacted as follows:

65-02-01. Workers compensation bureau - Executive director. The bureau must be
maintained for the administration of this title. The governor shall appoint the director of the
bureau who is subject to the supervision and direction of the governor and who ~~shall serve~~
serves at the pleasure of the governor. The appointment must be on a nonpartisan, merit
basis, ~~in accordance with chapter 54-42~~. The governor shall set the compensation and
prescribe the duties of the director. The director may appoint the director of any division of the
bureau which is established by the director. The appointment of a division director must be on
a nonpartisan, merit basis.

SECTION 12. REPEAL. Chapter 54-42 of the North Dakota Century Code is repealed.