

Sixty-third
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1118

Introduced by

Government and Veterans Affairs Committee

(At the request of the Department of Corrections and Rehabilitation)

1 A BILL ~~for an Act to amend and reenact sections 12-47-06 and 54-23.3-05 of the North Dakota~~
2 ~~Century Code, relating to officers and employees of the penitentiary and division directors and~~
3 ~~personnel of the department of corrections and rehabilitation.~~for an Act to amend and reenact
4 sections 12-47-06 and 54-23.3-05 of the North Dakota Century Code, relating to the appointing
5 authority of the director of the department of corrections and rehabilitation.

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

7 ~~— **SECTION 1. AMENDMENT.** Section 12-47-06 of the North Dakota Century Code is~~
8 ~~amended and reenacted as follows:~~

9 ~~— **12-47-06. Appointment of officers.**~~

10 ~~— The director of the division of adult services with the concurrence of the director of the~~
11 ~~department of corrections and rehabilitation shall appoint the warden. The warden may be~~
12 ~~removed by the director of the division of adult services with the approval of the director of the~~
13 ~~department of corrections and rehabilitation for misconduct, neglect of duty, incompetency, or~~
14 ~~other proper cause showing an inability or refusal to properly perform the duties of the office. All~~
15 ~~other officers and employees must be appointed by the warden, subject to the approval of the~~
16 ~~director of the division of adult services. The director of the division of adult services, with the~~
17 ~~concurrence or at the direction of the director of the department, may review and reconsider any~~
18 ~~discipline previously imposed by the warden, and impose additional discipline, including~~
19 ~~discharge from employment, if the director of the division of adult services or the director of the~~
20 ~~department determines previously imposed discipline is inconsistent with established agency~~
21 ~~policy, standards, or practice, and there is an obligation to take corrective action. The warden~~
22 ~~shall show in the record of any officer or employee who is discharged by the warden or the~~
23 ~~director of the division of adult services and the reason therefor.~~

1 ~~—~~ **SECTION 2. AMENDMENT.** Section 54-23.3-05 of the North Dakota Century Code is
2 amended and reenacted as follows:

3 ~~—~~ **54-23.3-05. Appointment and removal of officers.**

4 ~~—~~ The director of the department of corrections and rehabilitation with the approval of the
5 governor may appoint a director of the division of juvenile services, a director of the division of
6 adult services, and other division directors and personnel as deemed necessary for the effective
7 and efficient operation of the department. The director of the division of juvenile services, the
8 director of the division of adult services, and other division directors who may be appointed shall
9 meet qualifications as established for the classified service. The division directors may be
10 removed by the director of the department, with the approval of the governor, for misconduct,
11 neglect of duty, incompetency, or other cause showing an inability or refusal to properly perform
12 the duties of their office. All other officers and employees of each division must be appointed
13 and removed by the director of the division, subject to the approval of the director of the
14 department of corrections and rehabilitation. The director may review and reconsider any
15 discipline previously imposed by a division director, and impose additional discipline, including
16 discharge from employment, if the director determines previously imposed discipline is
17 inconsistent with established agency policy, standards, or practice, and there is an obligation to
18 take corrective action. All officers and employees of the department of corrections and
19 rehabilitation are subject to the provisions of the state personnel policies.

20 **SECTION 1. AMENDMENT.** Section 12-47-06 of the North Dakota Century Code is
21 amended and reenacted as follows:

22 **12-47-06. Appointment of officers.**

23 The ~~director of the division of adult services with the concurrence of the~~ director of the
24 department of corrections and rehabilitation shall appoint the warden. The warden may be
25 removed by the director of the division of adult services with the approval of the director of the
26 department of corrections and rehabilitation for misconduct, neglect of duty, incompetency, or
27 other proper cause showing an inability or refusal to properly perform the duties of the office. All
28 other officers and employees must be appointed by the ~~warden, subject to the approval of the~~
29 ~~director of the division of adult services.~~ The warden shall show in the record of any officer or
30 employee who is discharged by the warden the reason therefor director of the department of
31 corrections and rehabilitation.

1 **SECTION 2. AMENDMENT.** Section 54-23.3-05 of the North Dakota Century Code is
2 amended and reenacted as follows:

3 **54-23.3-05. Appointment and removal of officers.**

4 The director of the department of corrections and rehabilitation with the approval of the
5 governor may appoint a director of the division of juvenile services, a director of the division of
6 adult services, and other division directors and personnel as deemed necessary for the effective
7 and efficient operation of the department. The director of the division of juvenile services, the
8 director of the division of adult services, and other division directors who may be appointed shall
9 meet qualifications as established for the classified service. ~~The division directors may be~~
10 ~~removed by the director of the department, with the approval of the governor, for misconduct,~~
11 ~~neglect of duty, incompetency, or other cause showing an inability or refusal to properly perform~~
12 ~~the duties of their office.~~ All other officers and employees of each division must be appointed
13 and removed by ~~the director of the division, subject to the approval of~~ the director of the
14 department of corrections and rehabilitation. All officers and employees of the department of
15 corrections and rehabilitation are subject to the provisions of the state personnel policies.