

HOUSE BILL NO. 1494

Introduced by

Representatives Mock, Heinert, Ista, M. Ruby, Schauer, Stemen, Vetter

Senator Meyer

1 A BILL for an Act to create and enact a new section to chapter 54-60 of the North Dakota
2 Century Code, relating to a law enforcement grantretention pilot program; to provide for a
3 legislative management report; to provide a penalty; ~~and~~ to provide an appropriation; and to
4 provide for a legislative management study.

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

6 **SECTION 1.** A new section to chapter 54-60 of the North Dakota Century Code is created
7 and enacted as follows:

8 **Law enforcement officer retention program - GrantsPilot program - Penalty - Report**
9 **to legislative management.**

10 1. For purposes of this section:

11 a. "Employer" means the North Dakota state university police department, the North
12 Dakota state college of science police department, the university of North Dakota
13 police department, a county sheriff's department, or a city police department.

14 b. "Law enforcement officer" means an individual who is licensed to perform peace
15 officer law enforcement duties under chapter 12-63 and employed by an
16 employer. The term does not include an individual eligible for the retention bonus
17 program under section 54-06-31.

18 2. The department of commerce shall establish and implement a law enforcement officer
19 retention pilot program for the retention of law enforcement officers through grants to
20 employers during the 2021-22 biennium.

21 3. Subject to legislative appropriations, each biennium the department of commerce shall
22 awardreimburse one dollar in matching grants for every two dollars dedicated by an
23 employer for the retention of law enforcement officers.

1 4. ~~The~~Except as otherwise provided in this section, the department of commerce
2 shall~~may~~ give preference to employers ~~that include professional development~~
3 requirements in the written policy under subsection 6~~based on a demonstration of~~
4 need and any other factors established by the department of commerce.

5 5. If the remaining funds are insufficient to provide a matching grant as specified under
6 subsection 3, the department of commerce may award a lesser amount.

7 6. To be eligible for a grant under this section, a law enforcement officer's employer shall:

8 ~~a. Have~~have a written retention pilot program policy ~~identifying eligible positions and~~
9 provisions for providing and receiving bonuses;

10 ~~b. Submit a copy of the written policy to the department of commerce;~~

11 ~~c. Submit an application for matching funds to the department of commerce; and~~

12 ~~d. Provide a report to the department of commerce for each bonus awarded under~~
13 the program and must be a public law enforcement agency not otherwise eligible
14 for state retention programs.

15 7. In addition to the eligibility requirements under subsection 6, a law enforcement officer
16 is eligible to receive a retention bonus under this section if:

17 ~~a. The~~the law enforcement officer has been a sworn officer with the employer for at
18 least one year before a bonus is awarded; and

19 ~~b. The law enforcement officer has not received a bonus under this section within~~
20 the past two years.

21 8. A retention bonus may not exceed ten percent of the law enforcement officer's annual
22 salary. If within ~~two years~~eighteen months the law enforcement officer who receives a
23 bonus under this section is no longer employed by the employer who awarded the
24 bonus, ~~the law enforcement officer shall return the bonus and the employer shall~~
25 return any grant funds to the department of commerce may withhold grant awards.

26 9. ~~If a law enforcement officer fails to return a bonus under subsection 8, the attorney-~~
27 ~~general shall order and collect a civil penalty not to exceed the amount of the bonus.~~

28 ~~10.~~ By May first of each even numbered year 1, 2022, the department of commerce shall
29 provide a report to the legislative management on the implementation, progress, and
30 bonuses provided under this section.

31 ~~11.~~ 10. Bonuses paid under this section are not fiscal irregularities under section 54-14-03.1.

1 | 12:11. The department of commerce shall adopt any rules necessary to implement this
2 | section.

3 | **SECTION 2. APPROPRIATION.** There is appropriated out of any moneys in the general
4 | fund in the state treasury, not otherwise appropriated, the sum of ~~\$250,000~~\$100,000, or so
5 | much of the sum as may be necessary, to the department of commerce for the purpose of
6 | implementing the law enforcement retention pilot program, for the biennium beginning July 1,
7 | 2021, and ending June 30, 2023.

8 | **SECTION 3. LAW ENFORCEMENT AND CORRECTIONAL OFFICERS - LEGISLATIVE**
9 | **MANAGEMENT STUDY.** During the 2021-22 interim, the legislative management shall consider
10 | studying the recruitment, retention, turnover, and training of law enforcement and correctional
11 | officers employed by state agencies and political subdivisions. The study may include a review
12 | of current and historical rates of retention and turnover, the training and professional
13 | development offered and required of law enforcement and correctional officers, and an analysis
14 | of the compensation and benefits of law enforcement and correctional officers employed by
15 | state agencies, political subdivisions, and comparable positions in other states within the region.
16 | The legislative management shall report its findings and recommendations, together with any
17 | legislation required to implement the recommendations to the sixty-eighth legislative assembly.