

SENATE BILL NO. 2239

Introduced by

Senators Heitkamp, Lyson

Representatives Carlisle, DeKrey

1 A BILL for an Act to amend and reenact section 39-03-13 of the North Dakota Century Code,
2 relating to discipline of members of the highway patrol.

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

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

6 **39-03-13. Additional powers of superintendent.** In addition to the superintendent's
7 powers as a member of the highway patrol, the superintendent of the patrol has the following
8 powers as administrative head of the patrol:

- 9 1. The superintendent may organize the patrol into divisions, bureaus, and districts as
10 the superintendent deems necessary.
- 11 2. The superintendent may designate ranks, fix salaries with appropriate allowances
12 for those ranks, and establish promotional procedures.
- 13 3. The superintendent may take reasonable disciplinary action against members of
14 the patrol for inefficiency, misconduct, insubordination, or violation of an
15 established rule, whenever the superintendent deems the actions necessary,
16 provided that:
 - 17 a. ~~Where~~ If demotion in rank is summarily ordered against a member of the
18 patrol as a disciplinary measure, ~~to be the demotion is~~ the demotion is limited to a one-grade
19 reduction in rank, ~~the order is appealable under chapter 54-44.3.~~
 - 20 b. ~~Where~~ If a reduction in pay of a member of the patrol is summarily ordered as
21 a disciplinary measure, ~~it must be~~ the reduction in pay is limited to one year's
22 duration ~~and the order is appealable under chapter 54-44.3.~~
 - 23 c. ~~Suspension of pay for a member of the patrol for a period not exceeding~~
24 ~~seven days may be summarily ordered as a~~ Every disciplinary measure, ~~but~~

- 1 ~~an order for suspension of pay for a longer period~~ action is appealable in the
2 same manner as under chapter 54-44.3.
- 3 4. A suspension of pay for a member of the patrol may be summarily ordered not
4 more than twice in one year as separate disciplinary measures, ~~except that further~~
5 ~~suspensions are~~ and the suspension of pay is appealable under chapter 54-44.3.