

Introduced by

Government and Veterans Affairs Committee

(At the request of the Highway Patrol)

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

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

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

9 **39-03-03. Patrolmen - Appointment - Removal - Duties.**

10 The superintendent, the assistant superintendent, and the patrolmen constitute the highway
11 patrol. The highway patrol shall enforce the provisions of the laws of this state relating to the
12 protection and use of highways and shall patrol the highways and cooperate with sheriffs and
13 police in enforcing the laws regulating the operation of vehicles and the use of highways. All
14 patrolmen and the assistant superintendent must be appointed by the superintendent. Each
15 patrolman so appointed is deemed a ~~temporary appointee~~probationary employee for ~~an initial~~
16 ~~period of twelve~~six months, during which ~~period~~ the patrolman must be placed under
17 probationary training and service and is subject to an extension of an additional period of six
18 months or dismissal at the will of the superintendent or the superintendent's designee. At the
19 end of the ~~twelve-month~~probationary period, a ~~temporary appointee~~probationary employee
20 must either be ~~given a permanent appointment by the superintendent~~taken off probationary
21 status or ~~must be automatically dismissed~~. ~~The assistant superintendent and patrolmen who~~
22 ~~have received a permanent appointment are~~A nonprobationary employee employed in a
23 regular, classified position is subject to removal for cause by the superintendent or the
24 superintendent's designee, but ~~must be permitted to~~the employee may appeal a dismissal

1 under chapter 54-44.3; provided that the removal of the assistant superintendent from that
2 ~~person's~~the assistant superintendent position does not entitle that person to appeal the removal
3 unless that person also is ~~also~~ dismissed from the patrol.

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

6 3. The superintendent or the superintendent's designee may take reasonable disciplinary
7 action against members of the patrol for inefficiency, misconduct, insubordination, or
8 violation of an established rule, whenever the superintendent or the superintendent's
9 designee deems the actions necessary, provided that:

- 10 a. When demotion in rank is ~~summarily~~ ordered summarily against a member of the
11 patrol as a disciplinary measure, to be limited to a one-grade reduction in rank,
12 the order is appealable under chapter 54-44.3.
- 13 b. When a reduction in pay of a member of the patrol is ~~summarily~~ ordered
14 summarily as a disciplinary measure, it must be limited to one year's duration and
15 the order is appealable under chapter 54-44.3.
- 16 c. Suspension of pay for a member of the patrol for a period not exceeding seven
17 days may be ~~summarily~~ ordered summarily as a disciplinary measure, but an
18 order for suspension of pay for a longer period is appealable under chapter
19 54-44.3.