Sixty-eighth Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 3, 2023

SENATE BILL NO. 2053
(Transportation Committee)
(At the request of the Highway Patrol)

AN ACT to amend and reenact sections 2-05-14, 11-19.1-08, 11-19.1-10, paragraph 2 of subdivision a of subsection 1 of section 15-39.1-10.3, subdivision a of subsection 2 of section 15-39.1-10.3, sections 20.1-13-14 and 24-15-01, subdivision e of subsection 5 of section 28-32-08.1, sections 39-03-01, 39-03-03, 39-03-04, 39-03-05, 39-03-06, 39-03-07, 39-03-11, subsection 4 of section 39-03.1-01, sections 39-03.1-02, 39-03.1-10.4, 39-03.1-27, 39-07-12, 39-07-13, paragraph 2 of subdivision a of subsection 1 of section 54-52-17.2, subsection 2 of section 54-52.1-03, subdivision b of subsection 1 of section 54-52.1-03.2, subdivision a of subsection 1 of section 54-52.1-03.3, and subsection 2 of section 54-52.1-03.3 of the North Dakota Century Code, relating to terminology pertaining to state troopers.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 2-05-14 of the North Dakota Century Code is amended and reenacted as follows:

2-05-14. Enforcement of aeronautics laws.

The commission, its members, the director, officers, and the employees of the commission, and every ~~state~~highway patrol ~~patrolman~~trooper and all peace officers shall enforce and assist in the enforcement of this chapter.

SECTION 2. AMENDMENT. Section 11-19.1-08 of the North Dakota Century Code is amended and reenacted as follows:

11-19.1-08. Records of coroner's office.

The coroner shall keep full and complete records. All records must be kept in the office of the coroner if the coroner maintains an office as coroner. If the coroner maintains no separate office, the records must be kept in the office of the recorder of the county, unless the board of county commissioners designates a different official. The records must be properly indexed, stating the name, if known, of every deceased individual, the place where the body was found, date of death, cause of death, and all other available information required by this chapter. The report of the coroner and the detailed findings of the autopsy, if one was performed, must be attached to the report of every case. The coroner promptly shall deliver or cause to be delivered to the state's attorney of the county in which a death occurred copies of all necessary records relating to every death in which the coroner or state's attorney determines further investigation advisable. The sheriff of the county, the police of the city, or the state highway ~~patrolmen~~patrol troopers on duty in that county in which the death occurred may be requested to furnish more information or make further investigation by the coroner or the coroner's deputy. The state's attorney may obtain from the office of the coroner copies of records and other information necessary for further investigation. Except for a report of death and autopsy reports, which may be used and disclosed only as authorized by subsection 4 of section 11-19.1-11, all records of the coroner are the property of the county and are public records.

SECTION 3. AMENDMENT. Section 11-19.1-10 of the North Dakota Century Code is amended and reenacted as follows:

11-19.1-10. Deceased human bodies to be held pending investigation.

All deceased human bodies in the custody of the coroner must be held until such time as the coroner after consultation with the state's attorney, the police department of the city, the state highway

~~patrolmen~~patrol troopers on duty in that county, or the sheriff has reached a decision that it is not necessary to hold the body longer to enable the coroner to decide on a diagnosis, giving a reasonable and true cause of death, or that the body is no longer necessary to assist any one of those officials in their duties.

SECTION 4. AMENDMENT. Paragraph 2 of subdivision a of subsection 1 of section 15-39.1-10.3 of the North Dakota Century Code is amended and reenacted as follows:

(2) The highway ~~patrolmen's~~patrol troopers' retirement system.

SECTION 5. AMENDMENT. Subdivision a of subsection 2 of section 15-39.1-10.3 of the North Dakota Century Code is amended and reenacted as follows:

a. If a teacher, who is eligible to participate in this fund, is also eligible to participate in an alternate retirement system, the employee is a member of the teachers' fund for retirement for duties covered under this fund, and the employee is also a member of the public employees retirement system or highway ~~patrolmen's~~patrol troopers' retirement system for duties covered by those alternate retirement systems. The employers shall pay the member and employer contributions at the rates currently existing for the applicable system.

SECTION 6. AMENDMENT. Section 20.1-13-14 of the North Dakota Century Code is amended and reenacted as follows:

20.1-13-14. Rules - Enforcement.

Rules may be adopted pursuant to this chapter under chapter 28-32. Every game warden, sheriff's officer, or highway ~~patrolman~~patrol trooper of this state has the authority to enforce the provisions of this chapter and in the exercise thereof has the authority to stop and board any vessel subject to this chapter.

SECTION 7. AMENDMENT. Section 24-15-01 of the North Dakota Century Code is amended and reenacted as follows:

24-15-01. Definition.

For the purpose of this chapter, a temporary roadblock means any structure, device, or means used by police, sheriffs, deputy sheriffs, game wardens, highway ~~patrolmen~~patrol troopers, agents of the federal bureau of investigation, or officers of the United States border patrol, for the purpose of controlling traffic through a point on a highway, road, or street, whereby all vehicles may be slowed or stopped.

SECTION 8. AMENDMENT. Subdivision e of subsection 5 of section 28-32-08.1 of the North Dakota Century Code is amended and reenacted as follows:

e. ~~Highway patrolmen's~~patrol troopers' retirement board.

SECTION 9. AMENDMENT. Section 39-03-01 of the North Dakota Century Code is amended and reenacted as follows:

39-03-01. Definitions.

In this chapter, unless the context or subject matter otherwise requires:

1. "Assistant superintendent" means the assistant highway patrol superintendent.

2. ~~"Patrolmen" means the members of the highway patrol including the superintendent and the assistant superintendent.~~

~~3.~~ "Superintendent" means the state highway patrol superintendent.

3. "Troopers" means the members of the highway patrol including the superintendent and the assistant superintendent.

SECTION 10. AMENDMENT. Section 39-03-03 of the North Dakota Century Code is amended and reenacted as follows:

39-03-03. ~~Patrolmen~~Troopers - Appointment - Removal - Duties.

The superintendent, the assistant superintendent, and the ~~patrolmen~~troopers constitute the highway patrol. The highway patrol shall enforce the provisions of the laws of this state relating to the protection and use of highways and shall patrol the highways and cooperate with sheriffs and police in enforcing the laws regulating the operation of vehicles and the use of highways. All ~~patrolmen~~troopers and the assistant superintendent must be appointed by the superintendent. Each ~~patrolman~~trooper appointed is deemed a probationary employee for an initial period of six months, during which the ~~patrolman~~trooper must be placed under probationary training and service and is subject to an extension of an additional period of six months or dismissal at the will of the superintendent or the superintendent's designee. At the end of the probationary period, a probationary employee must either be taken off probationary status or dismissed. A nonprobationary employee employed in a regular, classified position is subject to removal for cause by the superintendent or the superintendent's designee, but the employee may appeal a dismissal under chapter 54-44.3 provided the removal of the assistant superintendent from the assistant superintendent position does not entitle that person to appeal the removal unless that person also is dismissed from the patrol.

SECTION 11. AMENDMENT. Section 39-03-04 of the North Dakota Century Code is amended and reenacted as follows:

39-03-04. Qualifications of ~~patrolmen~~troopers - Veterans have preference.

No person may be appointed as a ~~patrolman~~trooper unless the person has all of the following qualifications:

1. Has passed such physical examination and such other qualification test as may be required by the superintendent.

2. Is of good moral character and temperate habits.

3. Has been a citizen of the United States for not less than two years prior to the appointment.

Preference for appointment must be given at all times to honorably discharged veterans and citizens of the state of North Dakota, and all appointments must be made without regard to any political party affiliation of the applicant.

SECTION 12. AMENDMENT. Section 39-03-05 of the North Dakota Century Code is amended and reenacted as follows:

39-03-05. Badge issued to ~~patrolmen~~troopers - Contents of badge.

The superintendent shall issue to each ~~patrolman~~trooper a badge of authority with the seal of this state in the center thereof. The term "North Dakota patrol" must encircle such seal and above the same must appear the designation of the position held by the person to whom such badge is issued. Each such badge must contain a unit number or symbol of rank. No badge may be issued to any person who is not a duly appointed and acting member of the highway patrol.

SECTION 13. AMENDMENT. Section 39-03-06 of the North Dakota Century Code is amended and reenacted as follows:

39-03-06. Oath required of superintendent, assistant superintendent, and ~~patrolmen~~troopers.

The superintendent, assistant superintendent, and each ~~patrolman~~trooper, before entering upon the performance of the person's duties, shall take and file the oath prescribed by law for state officers.

SECTION 14. AMENDMENT. Section 39-03-07 of the North Dakota Century Code is amended and reenacted as follows:

39-03-07. Salary of superintendent - Limitations.

The salary of the superintendent must be within the amount appropriated for salaries by the legislative assembly. The salary of the assistant superintendent and each ~~patrolman~~trooper must be fixed by the superintendent, and must be paid in the same manner as other state employees are paid.

SECTION 15. AMENDMENT. Section 39-03-11 of the North Dakota Century Code is amended and reenacted as follows:

39-03-11. Penalty for impersonating ~~patrolman~~trooper.

Any person is guilty of a class A misdemeanor if:

1. Without authority, the person wears the badge of a member of the highway patrol, or a badge of similar design which would tend to deceive anyone;

2. The person impersonates a member of the highway patrol or other officer or employee of the highway patrol with intent to deceive anyone; or

3. Without authority, the person wears a uniform likely to be confused with the official uniform of the highway patrol.

SECTION 16. AMENDMENT. Subsection 4 of section 39-03.1-01 of the North Dakota Century Code is amended and reenacted as follows:

4. "Fund" means the North Dakota highway ~~patrolmen's~~patrol troopers' retirement fund.

SECTION 17. AMENDMENT. Section 39-03.1-02 of the North Dakota Century Code is amended and reenacted as follows:

39-03.1-02. North Dakota highway ~~patrolmen's~~patrol troopers' retirement system.

A retirement system is hereby established for the members of the North Dakota highway patrol.

SECTION 18. AMENDMENT. Section 39-03.1-10.4 of the North Dakota Century Code is amended and reenacted as follows:

39-03.1-10.4. Reduction in member and employer contributions.

The required increase in the amount of member and employer contributions under sections 39-03.1-09 and 39-03.1-10 must be reduced to the rate in effect on July 1, 2013, effective on the July first that follows the first valuation of the highway ~~patrolmen's~~patrol troopers' retirement plan showing a ratio of the actuarial value of assets to the actuarial accrued liability of the highway ~~patrolmen's~~patrol troopers' retirement plan that is equal to or greater than one hundred percent.

SECTION 19. AMENDMENT. Section 39-03.1-27 of the North Dakota Century Code is amended and reenacted as follows:

39-03.1-27. Legislative intent.

The legislative assembly in recognition of the value of good employer-employee relationships and the need to recruit and retain qualified highway ~~patrolmen~~patrol troopers in this state, hereby declares

its intent that the state should provide the comparable contribution for retirement of highway ~~patrolmen's~~patrol troopers' retirement system members as it provides for other state employees. It is the further intent of the legislative assembly that because of the increase in state contributions to the North Dakota highway ~~patrolmen's~~patrol troopers' retirement system, the members of such system shall not obligate the state to additional payments for federal social security benefits for such members.

SECTION 20. AMENDMENT. Section 39-07-12 of the North Dakota Century Code is amended and reenacted as follows:

39-07-12. Garages to report.

The person in charge of any garage or repair shop to which is brought any motor vehicle which shows evidence of having been involved in a reportable accident as provided in section 39-08-09 or of being struck by any bullet shall report or cause a report to be made to a police officer within twenty-four hours after such motor vehicle is received, and before any repairs are made to such vehicle, giving the registration number, and the name and address of the owner, operator, or person in control of such vehicle with a description of the location and type of damage to the vehicle, or any missing parts, if the vehicle does not have a sticker on a window thereof issued by a police officer, sheriff, or highway ~~patrolman~~patrol trooper, bearing information to show that the accident in which the vehicle was involved has been investigated. The police officer investigating any reportable accident shall attach a sticker to the window of any damaged vehicle showing that the accident in which such vehicle was involved has been investigated. If the vehicle does bear such a sticker, the garage or repair shop need not make the report this section requires and may begin repairs immediately. After repairs have been made and before the vehicle is released, the sticker provided herein must be removed.

SECTION 21. AMENDMENT. Section 39-07-13 of the North Dakota Century Code is amended and reenacted as follows:

39-07-13. Wrecker and towing services to report.

The person in charge or the operator of any commercial towing or wrecker service which causes any motor vehicle to be transported to a private residence or business other than a garage or repair shop which shows evidence of having been involved in a reportable accident as provided in section 39-08-09 or of being struck by any bullet shall report or cause a report to be made to a police officer within twenty-four hours after such motor vehicle is transported. The report must give the registration number, and the name and address of the owner, operator, or person in control of such vehicle with a description of the location and type of damage to the vehicle, or any missing parts, along with the location such vehicle was transported to, if the vehicle does not have a sticker on a window thereof issued by a police officer, sheriff, or highway ~~patrolman~~patrol trooper, bearing information to show that the accident in which the vehicle was involved has been investigated. If the vehicle does bear such a sticker, the towing or wrecker service need not make the report this section requires.

SECTION 22. AMENDMENT. Paragraph 2 of subdivision a of subsection 1 of section 54-52-17.2 of the North Dakota Century Code is amended and reenacted as follows:

(2) The highway ~~patrolmen's~~patrol troopers' retirement system.

SECTION 23. AMENDMENT. Subsection 2 of section 54-52.1-03 of the North Dakota Century Code is amended and reenacted as follows:

2. A retiree who has accepted a periodic distribution from the defined contribution retirement plan pursuant to section 54-52.6-13 who the board determines is eligible for participation in the uniform group insurance program or has accepted a retirement allowance from the public employees retirement system, the highway ~~patrolmen's~~patrol troopers' retirement system, the teachers' insurance and annuity association of America - college retirement equities fund for service credit earned while employed by North Dakota institutions of higher education, the retirement system established by job service North Dakota under section 52-11-01, the judges' retirement system established under chapter 27-17, or the teachers' fund for retirement may

elect to participate in the uniform group under this chapter without meeting minimum requirements at age sixty-five, when the member's spouse reaches age sixty-five, upon the receipt of a benefit, or when the spouse terminates employment. If a retiree or surviving spouse does not elect to participate at the times specified in this subsection, the retiree or surviving spouse must meet the minimum requirements established by the board. Subject to sections 54-52.1-03.2 and 54-52.1-03.3, each retiree or surviving spouse shall pay directly to the board the premiums in effect for the coverage then being provided. A retiree or surviving spouse who has met the initial eligibility requirements of this subsection to begin participation in the uniform group insurance program remains eligible as long as the retiree maintains the retiree's participation in the program by paying the required premium pursuant to rules adopted by the board.

SECTION 24. AMENDMENT. Subdivision b of subsection 1 of section 54-52.1-03.2 of the North Dakota Century Code is amended and reenacted as follows:

b. The state shall contribute monthly to the retiree health benefits fund an amount equal to one and fourteen hundredths percent of the monthly salaries and wages of all participating members of the highway ~~patrolmen's~~patrol troopers' retirement system under chapter 39-03.1, and one and fourteen hundredths percent of the monthly salaries of all supreme or district court judges who are participating members of the public employees retirement system under chapter 54-52.

SECTION 25. AMENDMENT. Subdivision a of subsection 1 of section 54-52.1-03.3 of the North Dakota Century Code is amended and reenacted as follows:

a. A member or surviving spouse of the highway ~~patrolmen's~~patrol troopers' retirement system is eligible for the credit beginning on the date retirement benefits are effective.

SECTION 26. AMENDMENT. Subsection 2 of section 54-52.1-03.3 of the North Dakota Century Code is amended and reenacted as follows:

2. The board shall calculate the allowable monthly credit toward hospital benefits coverage, medical benefits coverage, and prescription drug coverage under any health insurance program and toward dental, vision, and long-term care benefits coverage under any insurance program under subsection 1 in an amount equal to five dollars multiplied by the member's or deceased member's number of years of credited service under the highway ~~patrolmen's~~patrol troopers' retirement system, the public employees retirement system, the retirement program established by job service North Dakota under section 52-11-01, or the judges' retirement program established under chapter 27-17. For a member of the public employees retirement system receiving an early retirement benefit or the surviving spouse of that member, or a former participating member of the defined contribution retirement plan who is receiving a periodic distribution and would not meet the normal retirement provisions of the public employees retirement system, the allowable monthly credit must be reduced by three percent if the member terminates employment within one year before attaining the age of sixty-five and an additional reduction factor of six percent applies for each year the member terminates employment before attaining the age of sixty-four. For a member of the highway ~~patrolmen's~~patrol troopers' retirement system receiving an early retirement benefit or the surviving spouse of that member, the allowable monthly credit must be reduced by three percent if the member terminates employment within one year before attaining the age of fifty-five and an additional reduction factor of six percent applies for each year the member terminates employment before attaining the age of fifty-four. For a member of the retirement program established by job service North Dakota under section 52-11-01 receiving an early retirement benefit or a discontinued service annuity under the plan provisions of that retirement program or the surviving spouse of that member, the allowable monthly credit must be reduced by three percent if the member terminates employment within one year before attaining the age of sixty-five and an additional reduction factor of six percent applies for each year the member terminates employment before attaining the age of sixty-four.

President of the Senate

Speaker of the House

Secretary of the Senate

Chief Clerk of the House

This certifies that the within bill originated in the Senate of the Sixty-eighth Legislative Assembly of North Dakota and is known on the records of that body as Senate Bill No. 2053.

Senate Vote:	Yeas 46	Nays 0	Absent 1
House Vote:	Yeas 80	Nays 11	Absent 3

Secretary of the Senate

Received by the Governor at _____M. on _____, 2023.

Approved at _____M. on _____, 2023.

Governor

Filed in this office this _____day of _____, 2023,

at _____ o'clock _____M.

Secretary of State