

2025 SENATE STATE AND LOCAL GOVERNMENT

SB 2165

2025 SENATE STANDING COMMITTEE MINUTES

State and Local Government Committee
Room JW216, State Capitol

SB 2165
1/16/2025

Relating to the powers and duties of the peace officer standards and training board and peace officer licensing fees.

2:27 p.m. Chair Roers called the meeting to order.

Members Present: Chair Roers; Vice Chair Castaneda; Senators: Barta, Braunberger, Lee and Walen.

Discussion Topics:

- Improve public safety
- Improve officer safety

2:27 p.m. Senator Rummel introduced the bill and testified in favor.

2:33 p.m. Chief Joseph Cianni, Chairman of the Peace Officer Standards and Training Board, testified in favor and submitted testimony #29586.

2:50 p.m. Pat Helfrich, Bureau of Investigations, testified in favor.

2:51 p.m. Chair Roers closed the hearing.

2:51 p.m. Senator Walen moved a Do Pass.

2:51 p.m. Senator Barta seconded the motion.

Senators	Vote
Senator Kristin Roers	Y
Senator Jose L. Castaneda	Y
Senator Jeff Barta	Y
Senator Ryan Braunberger	Y
Senator Judy Lee	Y
Senator Chuck Walen	Y

Motion passed 6-0-0

Chair Roers will carry the bill.

2:53 p.m. Chair Roers adjourned the meeting.

Susan Helbling, Committee Clerk

REPORT OF STANDING COMMITTEE
SB 2165 ([25.0693.01000](#))

State and Local Government Committee (Sen. Roers, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2165 was placed on the Eleventh order on the calendar. This bill does not affect workforce development.

STATE & LOCAL GOVERNMENT COMMITTEE**January 16, 2025****Written testimony of the North Dakota Peace Officer Standards and Training Board****Chief Joseph Cianni, Chairman**

Madame Chair Roers and members of the State & Local Government Committee.

My name is Chief Joseph Cianni, and I am the chairman of the Peace Officer Standards and Training Board. I am also the Chief of Police of the Dickinson Police Department. I am here in my capacity as the Chairman of the ND POST Board to provide testimony regarding Senate Bill 2165.

The North Dakota Peace Officer Standards and Training Board will be referred to as the POST board in my testimony. The board consist of 9 members, 8 of whom, are appointed by the attorney general. NDCC § 12-63-01.1 designates the ninth member to be the director of the North Dakota Law Enforcement Training Center. In addition to the nine board members, the POST Board has two full-time staff members employed by the attorney general's Bureau of Criminal Investigation division.

The proposed amendments in Senate Bill 2165 are for the purpose of improving public safety and officer safety.

Section 1 amends the powers of the POST board by adding language authorizing the board to require a licensed peace officer to complete a physical or psychological examination aiding the board to evaluate the peace officer's mental or physical competency. Currently, the POST board does not have authority to require a licensed peace officer to undergo an evaluation even if the board is notified that there are mental health or fit for duty concerns regarding the licensed peace officer. Section 1 also allows the results of the examinations to be released to the POST board.

Section 2 of the bill authorizes the POST board to assess additional fees related to peace officer licensure. Currently the POST board can only assess a fee associated with an adverse license action resulting in the revocation of a peace officers license. The POST board would like the authority to assess additional fees associated with other adverse license actions not exclusive to license revocations. This request is made in light of the fact the board is regularly seeing a significant and sustained increase in the number of adverse license actions being heard and addressed by the board.

Section 3 amends section 12-63-12 to allow the POST board to take disciplinary action against a peace officers license if said individual has a fit-for-duty condition and is deemed unable to safely and competently perform the required duties of a peace officer. Section 3 also provides the POST board with the authority to require a peace officer to

2025 HOUSE POLITICAL SUBDIVISIONS

SB 2165

2025 HOUSE STANDING COMMITTEE MINUTES

Political Subdivisions Committee Room JW327B, State Capitol

SB 2165
3/20/2025

A BILL for an Act to amend and reenact subsection 2 of section 12-63-04 and sections 12-63-05 and 12-63-12 of the North Dakota Century Code, relating to the powers and duties of the peace officer standards and training board and peace officer licensing fees.

2:26 p.m. Chairman Longmuir opened the hearing.

Members Present: Chairman Longmuir, Vice-Chairman Fegley, Vice-Chairman Jonas, Representatives Bolinske, Davis, Hager, Hatlestad, Heilman, Klemin, Motschenbacher, Ostlie, Toman, Warrey

Discussion Topics:

- Peace officer physical and psychological examinations
- Waiving of fees related to peace officer examinations

2:27 p.m. Senator Dean Rummel, North Dakota Senator for District 37, introduced the bill.

2:30 p.m. Joseph Cianni, Chairman of the North Dakota Peace Officer Standards and Practices Board, testified in favor and provided testimony #43025.

2:39 p.m. Chairman Longmuir closed the hearing.

Wyatt Armstrong, Committee Clerk

STATE & LOCAL GOVERNMENT COMMITTEE**March 20, 2025****Written testimony of the North Dakota Peace Officer Standards and Training Board****Chief Joseph Cianni, Chairman**

Chairman Longmuir and members of the Political Subdivisions Committee.

My name is Chief Joseph Cianni, and I am the chairman of the North Dakota Peace Officer Standards and Training Board (ND POST Board). I am also the Chief of Police of the Dickinson Police Department. I am here in my capacity as the Chairman of the ND POST Board to provide testimony regarding Senate Bill 2165.

The North Dakota Peace Officer Standards and Training Board will be referred to as the POST Board in my testimony. The POST Board consists of 9 members, 8 of whom, are appointed by the attorney general. NDCC § 12-63-01.1 designates the 9th member to be the Director of the North Dakota Law Enforcement Training Center. In addition to the 9 board members, the POST Board also has 2 full-time staff members employed by the attorney general's Bureau of Criminal Investigation Division. One is a Special Agent who acts as the secretary of the POST Board and the other is a civilian Administrative Assistant.

The proposed amendments in Senate Bill 2165 are for the purpose of improving public safety and officer safety. Overall wellness of sworn peace officers directly impacts their ability to perform their duties safely and effectively.

Over the past few years, the POST Board has seen a significant increase in fit-for-duty matters where law enforcement agencies have reached out in desperation, soliciting POST Board guidance and intervention. Unfortunately, the POST Board has been unable to assist or provide any intervention due to HIPAA-related laws hampering the POST Board's ability to receive and review certain protected information.

The proposed amendments in this bill would allow the POST Board to receive and review medical information related to fitness for duty matters. This information would be classified as protected and exempt from open records laws. Any review of these records or POST Board hearings related to these matters would be conducted during closed executive sessions only. The authority to review these types of records is not unusual as many other licensing boards in the state have this same authority granted to them through legislation.

The proposed changes in Section 1 amends the powers of the POST Board by adding language authorizing the POST Board to require with cause, a licensed peace officer to complete a physical or psychological examination. This aids the POST Board in evaluating the peace officer's mental or physical competency. Currently, the POST Board does not have the authority to require a licensed peace officer to undergo an evaluation even if the POST Board is notified that there are mental health or fit-for-duty concerns regarding the licensed peace officer. Currently, the only time a peace officer is required to submit to a physical and/or psychological examination is at initial hire. These pre-employment exams are valid for one year and are not required to be repeated within that year regardless of officer employment status. Section 1 also allows the results of the examinations to be released to the POST Board and exempts the information from open records laws.

Section 2 of the bill authorizes the POST Board to assess additional fees related to peace officer licensure. Currently, the POST Board can only assess a fee associated with an adverse license action resulting in the revocation of a peace officer's license. The POST Board would like the authority to assess additional fees associated with other adverse license actions not exclusive to license revocations. This request is made in light of the fact the POST Board is regularly seeing a significant and sustained increase in the number of adverse license actions being heard and addressed by the POST Board.

Section 3 amends section 12-63-12 to allow the POST Board to take disciplinary action against a peace officer's license if said individual has a fit-for-duty condition and is deemed unable to safely and competently perform the required duties of a peace officer. Section 3 also provides the POST Board with the authority to require a peace officer to complete a physical or psychological examination to allow the POST Board to properly evaluate the peace officer's mental or physical competency and permits the results of the examination(s) to be released to the POST Board.

I stand before you now to answer any questions that you may have.

Chief Joe Cianni
Chairman, North Dakota Peace Officer Standards and Training Board

2025 HOUSE STANDING COMMITTEE MINUTES

Political Subdivisions Committee Room JW327B, State Capitol

SB 2165
3/20/2025

A BILL for an Act to amend and reenact subsection 2 of section 12-63-04 and sections 12-63-05 and 12-63-12 of the North Dakota Century Code, relating to the powers and duties of the peace officer standards and training board and peace officer licensing fees.

2:45 p.m. Chairman Longmuir opened the hearing.

Members Present: Chairman Longmuir, Vice-Chairman Fegley, Vice-Chairman Jonas, Representatives Bolinske, Davis, Hager, Hatlestad, Heilman, Klemin, Motschenbacher, Ostlie, Toman, Warrey

Discussion Topics:

- Committee action

2:46 p.m. Representative Bolinske moved a Do Pass.

2:46 p.m. Representative Ostlie seconded the motion.

Representatives	Vote
Representative Donald W. Longmuir	Y
Representative Clayton Fegley	Y
Representative Jim Jonas	Y
Representative Macy Bolinske	Y
Representative Jayme Davis	Y
Representative LaurieBeth Hager	Y
Representative Patrick R. Hatlestad	Y
Representative Matthew Heilman	Y
Representative Lawrence R. Klemin	Y
Representative Mike Motschenbacher	Y
Representative Mitch Ostlie	Y
Representative Nathan Toman	Y
Representative Jonathan Warrey	Y

2:47 p.m. Motion passed 13-0-0

2:47 p.m. Unanimous decision to be placed on the Consent Calendar.

2:47 p.m. Representative Warrey will carry the bill.

2:47 p.m. Chairman Longmuir closed the hearing.

Wyatt Armstrong, Committee Clerk

REPORT OF STANDING COMMITTEE
SB 2165 ([25.0693.01000](#))

Political Subdivisions Committee (Rep. Longmuir, Chairman) recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (13 YEAS, 0 NAYS, 0 ABSENT OR EXCUSED AND NOT VOTING). SB 2165 was placed on the Tenth order on the calendar.