

**2023 HOUSE APPROPRIATIONS**

**HB 1011**

**Department 504 - Highway Patrol**  
**House Bill No. 1011**

**Executive Budget Comparison to Base Level**

	<b>General Fund</b>	<b>Other Funds</b>	<b>Total</b>
2023-25 Executive Budget	\$54,191,734	\$22,708,733	\$76,900,467
2023-25 Base Level	36,327,762	25,785,652	62,113,414
Increase (Decrease)	\$17,863,972	(\$3,076,919)	\$14,787,053

**Selected Budget Changes Recommended in the Executive Budget**

	<b>General Fund</b>	<b>Other Funds</b>	<b>Total</b>
1. Adds funding for state employee salary and benefit increases, of which \$3,309,103 is for salary increases and \$975,524 is for health insurance increases	\$3,167,582	\$1,117,045	\$4,284,627
2. Adds funding for increased employer contributions to the Highway Patrolmen's retirement fund approved by the Legislative Assembly in 2021	\$335,523	\$54,620	\$390,143
3. Restores general fund and special fund salaries paid from federal COVID-19 relief funds during the 2021-23 biennium	\$6,966,000	(\$6,966,000)	\$0
4. Adds 5 FTE trooper positions to backfill positions previously used for criminal interdiction purposes	\$1,449,557	\$235,859	\$1,685,416
5. Adds 5 additional FTE trooper positions for criminal interdiction	\$1,221,560	\$198,860	\$1,420,420
6. Adds 2 FTE Capitol Security trooper positions	\$489,066	\$79,104	\$568,170
7. Adds 1 FTE trooper position to coordinate drug recognition and field sobriety efforts		\$242,082	\$242,082
8. Adds 2 FTE motor carrier safety assistance program troopers	\$33,708	\$640,650	\$674,358
9. Adds funding for increased lease rates and to lease additional warehouse space	\$212,000	\$34,000	\$246,000
10. Adds funding for a new Capitol space rent model	\$74,274	\$0	\$74,274
11. Adds ongoing (\$262,000) and <b>one-time funding</b> (\$283,200) for technology enhancement projects	\$470,200	\$75,000	\$545,200
12. Adds ongoing (\$1,000) and <b>one-time funding</b> (\$104,000) for enhancements related to unmanned aerial system duties	\$90,000	\$15,000	\$105,000
13. Adds <b>one-time funding</b> for State Fleet mileage rate increases	\$1,706,000	\$336,000	\$2,042,000
14. Adds <b>one-time funding</b> for inflationary increases	\$448,000	\$72,000	\$520,000
15. Adds <b>one-time funding</b> for motor carrier safety program enhancements	\$23,000	\$404,000	\$427,000
16. Adds <b>one-time funding</b> for a garage expansion project at the Fargo location	\$622,000	\$100,000	\$722,000

A summary of the executive budget changes to the agency's base level appropriations is attached as an appendix.

A copy of the draft appropriations bill containing the executive budget recommendations is attached as an appendix.

**Selected Bill Sections Recommended in the Executive Budget**

**Highway tax distribution fund** - Section 3 would provide for \$11,989,604 of special funds from the highway tax distribution fund to be used for Highway Patrol operations.

**Motor carrier electronic permit fund** - Section 4 would provide for \$1,448,955 of special funds from the motor carrier electronic permit fund to be used for Highway Patrol operations.

**Highway Patrol officer per diem** - Section 5 would provide for Highway Patrol officer per diem of \$200 per month during the 2023-25 biennium, the same as provided during the 2021-23 biennium. The per diem payments are in lieu of reimbursement for meals and other expenses while in travel status within the state.

**Continuing Appropriations**

**Highway Patrol assets forfeiture fund** - North Dakota Century Code Section 39-03-18 - Consists of funds obtained from seized assets that may be used for paying expenses associated with the inventory and selling of seized assets, to pay for overtime relating to certain investigations, for purchasing equipment related to criminal interdiction, or to be used to match federal funding for certain programs.

**Motor carrier electronic permit transaction fund** - Section 39-12-02 - An additional fee of up to \$15 is charged for issuing an oversize or overweight vehicle permit electronically. The additional fee is deposited in the motor carrier electronic permit fund and deposits in the fund are appropriated on a continuing basis to the Highway Patrol for the maintenance of the online electronic permitting system.

### **Deficiency Appropriations**

No deficiency appropriations are being requested for the Highway Patrol.

### **Significant Audit Findings**

There are no significant audit findings for the Highway Patrol.

### **Major Related Legislation**

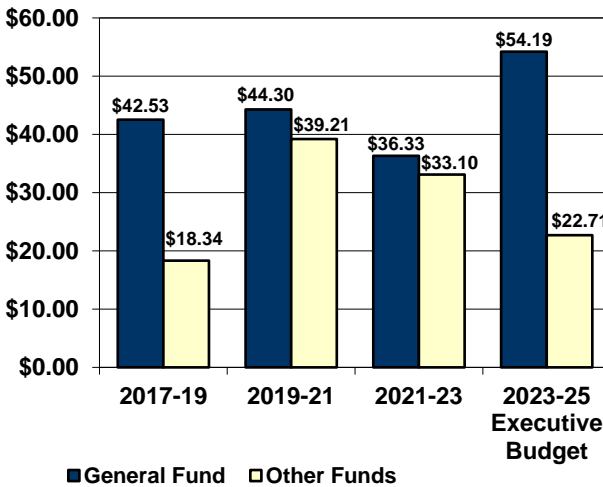
**Senate Bill No. 2053** - Adjusts terminology in statute relating to Highway Patrol troopers and motor vehicle crashes.

**Senate Bill No. 2054** - Clarifies the powers and duties of Highway Patrol troopers and adjusts language relating to Capitol grounds and Capitol Security.

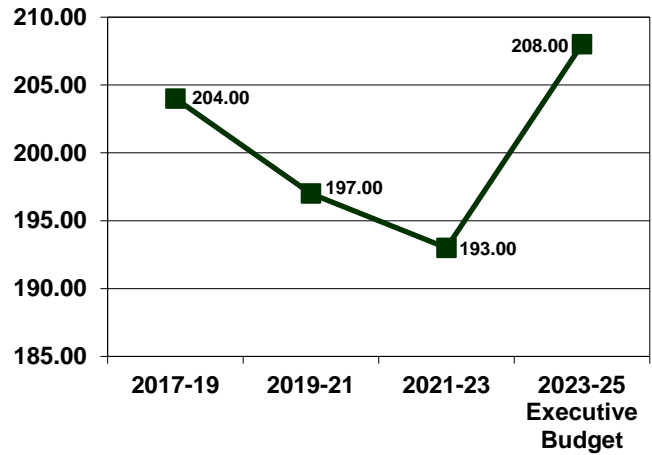
# Historical Appropriations Information

## Agency Appropriations and FTE Positions

Agency Funding (Millions)



FTE Positions



### Ongoing General Fund Appropriations

	2015-17	2017-19	2019-21	2021-23	2023-25 Executive Budget
Ongoing general fund appropriations	\$42,943,745	\$42,527,428	\$44,213,575	\$36,327,762	\$50,779,534
Increase (decrease) from previous biennium	N/A	(\$416,317)	\$1,686,147	(\$7,885,813)	\$14,451,772
Percentage increase (decrease) from previous biennium	N/A	(1.0%)	4.0%	(17.8%)	39.8%
Cumulative percentage increase (decrease) from 2015-17 biennium	N/A	(1.0%)	3.0%	(15.4%)	18.2%

### Major Increases (Decreases) in Ongoing General Fund Appropriations

#### 2017-19 Biennium

- Adjusted the funding source for permit section staff salaries and wages and related expenses from the general fund to the motor carrier electronic permit transaction fund (\$1,269,165)
- Added funding for trooper on-call pay \$323,750
- Removed 11 FTE positions and related funding (\$2,299,602)

#### 2019-21 Biennium

- Increased funding for operating expenses \$522,835
- Removed 7 FTE positions (\$573,376)

#### 2021-23 Biennium

- Adjusted funding for law enforcement salaries to be paid from federal coronavirus relief funds rather than the general fund (\$6,996,000)
- Adjusted operating expenses and removed 2 FTE Capitol Security positions (\$2,047,239)

#### 2023-25 Biennium (Executive Budget Recommendation)

- Restores law enforcement salaries paid from federal coronavirus relief funds during the 2021-23 biennium \$6,996,000
- Adds 15 FTE trooper positions for various purposes \$2,965,891
- Adds funding for technology enhancements \$226,000

**One-Time General Fund Appropriations**

	<b>2015-17</b>	<b>2017-19</b>	<b>2019-21</b>	<b>2021-23</b>	<b>2023-25 Executive Budget</b>
One-time general fund appropriations	\$656,813	\$0	\$81,830	\$0	\$3,412,200

**Major One-Time General Fund Appropriations**

**2017-19 Biennium**

- 1. None

**2019-21 Biennium**

- 1. Added funding to overhaul the agency's aircraft engine \$81,830

**2021-23 Biennium**

- 1. None

**2023-25 Biennium (Executive Budget Recommendation)**

- 1. Adds funding for State Fleet mileage increases \$1,706,000
- 2. Adds funding for inflationary increases \$448,000
- 3. Adds funding for a garage addition at the Fargo location \$622,000
- 4. Adds funding for technology enhancements \$244,200

**Highway Patrol - Budget No. 504**  
**House Bill No. 1012**  
**Base Level Funding Changes**

	<b>Executive Budget Recommendation</b>			
	<b>FTE Positions</b>	<b>General Fund</b>	<b>Other Funds</b>	<b>Total</b>
<b>2023-25 Biennium Base Level</b>	193.00	\$36,327,762	\$25,785,652	\$62,113,414
<b>2023-25 Ongoing Funding Changes</b>				
Base payroll and budget changes		\$460,502	\$227,861	\$688,363
Salary increase		2,453,942	855,161	3,309,103
Health insurance increase		713,640	261,884	975,524
Retirement increase - Highway Patrol retirement fund		335,523	54,620	390,143
Adjust COVID-19 salary funding		6,966,000	(6,966,000)	0
Backfill criminal interdiction troopers	5.00	1,221,557	198,859	1,420,416
Additional criminal interdiction troopers	5.00	1,221,560	198,860	1,420,420
Capitol Security troopers	2.00	489,066	79,104	568,170
Drug recognition trooper	1.00		284,082	284,082
Motor carrier troopers	2.00	33,708	640,650	674,358
Lease rate increase		106,000	17,000	123,000
Additional warehouse space		106,000	17,000	123,000
New Capitol space rent model		74,274		74,274
Unmanned aerial vehicle enhancements		1,000		1,000
Technology enhancements		226,000	36,000	262,000
Recruitment and advertising initiative		43,000	7,000	50,000
<b>Total ongoing funding changes</b>	<b>15.00</b>	<b>\$14,451,772</b>	<b>(\$4,087,919)</b>	<b>\$10,363,853</b>
<b>One-time funding items</b>				
New trooper one-time costs		\$228,000	\$37,000	\$265,000
State Fleet mileage increase		1,706,000	336,000	2,042,000
Inflationary increases		448,000	72,000	520,000
Narcotics tester		52,000	8,000	60,000
Unmanned aerial vehicle enhancements - One-time		89,000	15,000	104,000
Motor carrier program enhancements		23,000	404,000	427,000
Technology enhancements - One-time		244,200	39,000	283,200
Fargo garage addition		622,000	100,000	722,000
<b>Total one-time funding changes</b>	<b>0.00</b>	<b>\$3,412,200</b>	<b>\$1,011,000</b>	<b>\$4,423,200</b>
<b>Total Changes to Base Level Funding</b>	<b>15.00</b>	<b>\$17,863,972</b>	<b>(\$3,076,919)</b>	<b>\$14,787,053</b>
<b>2023-25 Total Funding</b>	<b>208.00</b>	<b>\$54,191,734</b>	<b>\$22,708,733</b>	<b>\$76,900,467</b>
<i>Federal funds included in other funds</i>			<i>\$9,270,174</i>	
<i>Total ongoing changes as a percentage of base level</i>	<i>7.8%</i>	<i>39.8%</i>	<i>(15.9%)</i>	<i>16.7%</i>
<i>Total changes as a percentage of base level</i>	<i>7.8%</i>	<i>49.2%</i>	<i>(11.9%)</i>	<i>23.8%</i>

**Other Sections in Highway Patrol - Budget No. 504**

**Executive Budget Recommendation**

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Highway tax distribution fund

Section 3 would provide for \$11,989,604 of special funds from the highway tax distribution fund to be used for Highway Patrol operations.

Motor carrier electronic permit fund

Section 4 would provide for \$1,448,955 of special funds from the motor carrier electronic permit fund to be used for Highway Patrol operations.

Highway Patrol officer per diem

Section 5 would provide for Highway Patrol officer per diem of \$200 per month during the 2023-25 biennium, the same as provided during the 2021-23 biennium. The per diem payments are in lieu of reimbursement for meals and other expenses while in travel status within the state.

**HOUSE BILL NO. 1011  
(Governor's Recommendation)**

Introduced by

Appropriations Committee

(At the request of the Governor)

A bill for an Act to provide an appropriation for defraying the expenses of the highway patrol; and to provide for a report to the legislative assembly.

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

**SECTION 1. APPROPRIATION.** The funds provided in this section, or so much of the funds as may be necessary, are appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, and from special funds derived from federal funds and other income, to the highway patrol for the purpose of defraying the expenses of the highway patrol, for the biennium beginning July 1, 2023 and ending June 30, 2025, as follows:

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Field Operations	\$62,113,414	\$14,787,053	\$76,900,467
Total All Funds	\$62,113,414	\$14,787,053	\$76,900,467
Less Estimated Income	<u>18,819,652</u>	<u>3,889,081</u>	<u>22,708,733</u>
Total General Fund	\$43,293,762	\$ 10,897,972	\$54,191,734
Full-time Equivalent Positions	193.00	15.00	208.00

**SECTION 2. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO SIXTY-EIGHTH LEGISLATIVE ASSEMBLY.** The following amounts reflect the one-time funding items approved by the sixty-seventh legislative assembly for the 2021-23 biennium and the 2023-25 one-time funding items included in the appropriation in section 1 of this Act:

<u>One-Time Funding Description</u>	<u>2021-23</u>	<u>2023-25</u>
Hard Body Armor	\$ 265,000	\$ 0
Body and In-Car Cameras	1,158,000	0
Commercial Motor Carrier System	275,000	0
State Fleet Increase	0	2,042,000
Interdiction Unit Equipment	0	265,000
Learning Management Software	0	35,000
Electronic Storage Video/Photo	0	15,000
Interface to State Attorney Portal	0	50,000
UAV Program Enhancement	0	104,000
TruNarc Handheld Testers	0	60,000
ARIES Program Update	0	80,000
Dashboard Research and Analytics	0	15,000
Uniform Inflation Increase	0	58,000
Equipment Inflation Expense	0	370,000
Training Academy Software	0	72,000
Increased Travel for Inflation	0	46,000
Daily Activity Software	0	10,000
Field Training Management. Software	0	6,200
Fargo Garage Addition	0	722,000
Inflation Increase for Ammunition	0	46,000
CMV Crash Reconstruction Equipment	0	35,000



UAVs for CMV Inspection and Enforcement	0	100,000
UGPTI Crash Analysis Project	0	92,000
ARIES and ASPEN Bridge	0	50,000
Signage and Lighting Enhancement	<u>0</u>	<u>150,000</u>
Total All Funds	\$1,698,000	\$4,423,200
Total Special Fund	<u>1,698,000</u>	<u>1,011,000</u>
Total General Fund	\$ 0	\$3,412,200

The 2023-25 one-time funding amounts are not a part of the entity's base budget for the 2025-27 biennium. The highway patrol shall report to the appropriations committees of the sixty-ninth legislative assembly on the use of this one-time funding for the biennium beginning July 1, 2023 and ending June 30, 2025.

**SECTION 3. SPECIAL FUNDS TRANSFER – HIGHWAY TAX DISTRIBUTION FUND.** The estimated income line item in section 1 of this Act includes the sum of \$11,989,604, or so much of the sum as may be necessary, from the state highway tax distribution fund which may be transferred at the direction of the superintendent of the highway patrol for the purpose of defraying the expenses of the highway patrol during the biennium beginning July 1, 2023 and ending June 30, 2025.

**SECTION 4. MOTOR CARRIER ELECTRONIC PERMIT TRANSACTION FUND.** The estimated income line item in section 1 of this Act includes \$1,448,955 from the motor carrier electronic permit transaction fund for the purpose of defraying various expenses associated with the issuance of permits and other nonenforcement motor carrier and administrative activities.

**SECTION 5. PAYMENTS TO HIGHWAY PATROL OFFICERS.** Each patrol officer of the state highway patrol is entitled to receive from funds appropriated in section 1 of this Act an amount not to exceed \$200 per month for the biennium beginning July 1, 2023 and ending June 30, 2025. The payments are in lieu of reimbursement for meals and other expenses, except lodging, while in travel status within the state of North Dakota or while at their respective home stations. The amounts must be paid at the time and in the same manner as salaries are paid to members of the highway patrol and may be paid without the presentation of receipts or other memorandums.

# 2023 HOUSE STANDING COMMITTEE MINUTES

## Appropriations - Government Operations Division Brynhild Haugland Room, State Capitol

HB1011  
1/9/2023

A BILL for an Act to provide an appropriation for defraying the expenses of the highway patrol; and to provide for a transfer.

**2:00 PM Chairman Monson:** Opened the hearing on HB 1011, roll call was taken:

**Members present:**

Monson, Brandenburg, Bellew, Kempenich, Meier, Pyle, Mock

**Discussion Topics:**

- Workforce
- Criminal Interdiction Effort
- Education and Prevention Transformation

**Brandon Solberg, superintendent of the North Dakota Highway Patrol-** Testified in favor. (Testimony #12645 & #12625)

**4:16 PM Chairman Monson:** Closed the hearing for HB 1011.

*Robyn Engelstad, Committee Clerk by Risa Berube*

# 2023 HOUSE STANDING COMMITTEE MINUTES

## Appropriations - Government Operations Division Brynhild Haugland Room, State Capitol

HB1011  
1/19/2023

A bill for an Act to provide an appropriation for defraying the expenses of the highway patrol; and to provide for a transfer
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**Chairman Monson** opened the hearing on HB 1011 at 8:30 AM.

### **Members present:**

Chairman Monson, Vice Chairman Brandenburg, Representative Bellew, Representative Kempenich, Representative Meier, Representative Pyle, Representative Mock

### **Discussion Topics:**

- PERS
- Proposed recommendations.
- Highway Patrol Vehicle Types
- Fargo Regional Office Garage Addition
- Bismarck Warehouse
- Handled Narcotic Tester

### **Testimony**

**Brandon Solberg, Superintendent ND Highway Patrol** provided oral and written testimony #14494 in favor of the bill.

**Additional Testimony:** Andrea Pfennig #13810

**Vice Chairman Brandenburg** adjourned the meeting at 10:25 AM

*Amy Liepke, Committee Clerk*

# 2023 HOUSE STANDING COMMITTEE MINUTES

**Appropriations - Government Operations Division**  
Brynhild Haugland Room, State Capitol

HB 1011  
1/31/2023

A BILL for an Act to provide an appropriation for defraying the expenses of the highway patrol; and to provide for a transfer
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**3:27 PM Chairman Monson opened the meeting.**

**Members present: Chairman Monson, Vice Chair Brandenburg, Rep. Bellew, Rep. Kempenich, Rep. Meier, Rep. Pyle, Rep. Mock**

**Discussion Topics:**

- Base Level Funding
- Capitol Security

Brandon Solberg, Superintendent ND State Highway Patrol, oral testimony in favor of the bill.

**Additional Testimony: #18248**

**4:04 PM Chairman Monson closed the meeting.**

*Amy Liepke, Committee Clerk*

# 2023 HOUSE STANDING COMMITTEE MINUTES

## Appropriations - Government Operations Division Brynhild Haugland Room, State Capitol

HB 1011  
2/7/2023

A BILL for an Act to provide an appropriation for defraying the expenses of the highway patrol; and to provide for a transfer
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Chairman Monson Opened meeting at 8:35 AM

**Members present: Chairman Monson, Vice Chair Brandenburg, Rep. Bellew, Rep. Kempenich, Rep. Meier, Rep. Pyle, Rep. Mock**

### **Discussion Topics:**

- Additional employees for the ND Highway Patrol
- Expansion of Capitol Security
- Budgets: 504

Chairman Monson, budget 504 (#19524)

Brandon Solberg, Superintendent of ND Highway Patrol, (#19540)

Chairman Monson closes hearing at 9:33 AM .

*Leah Kuball, Committee Clerk*

# 2023 HOUSE STANDING COMMITTEE MINUTES

## Appropriations - Government Operations Division Brynhild Haugland Room, State Capitol

HB 1011  
2/7/2023

A BILL for an Act to provide an appropriation for defraying the expenses of the highway patrol; and to provide for a transfer
---

Chairman Monson called meeting to order at 10:04 AM

**Members present: Chairman Monson, Vice Chair Brandenburg, Rep. Bellew, Rep. Kempenich, Rep. Meier, Rep. Pyle, Rep. Mock**

**Discussion Topics:**

- Committee discussion on budget 504

Brandon Solberg, Superintendent of ND Highway Patrol, verbally answered questions from the committee.

Chairman Monson closed meeting at 10:36 AM

*Leah Kuball, Committee Clerk*

# 2023 HOUSE STANDING COMMITTEE MINUTES

## Appropriations - Government Operations Division Brynhild Haugland Room, State Capitol

HB 1011  
2/10/2023

A BILL for an Act to provide an appropriation for defraying the expenses of the highway patrol; and to provide for a transfer
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**11:08 AM Chairman Monson** opened the meeting.

**Members present: Chairman Monson, Vice Chair Brandenburg, Rep. Bellew, Rep. Kempenich, Rep. Meier, Rep. Pyle, Rep. Mock**

### Discussion Topics:

- Proposed Amendments to HB 1011 [23.0240.01001]

**Rep. Mock** discussed the amendment - [23.0240.01001] - #20308, #20310

**Rep Mock** moves to adopt the amendment.

**Rep Brandenburg** seconded.

### Roll Call Vote:

Representatives	Vote
Representative David Monson	Y
Representative Mike Brandenburg	Y
Representative Larry Bellew	N
Representative Keith Kempenich	A
Representative Lisa Meier	Y
Representative Corey Mock	Y
Representative Brandy Pyle	Y

**5-1-1, motion carries**

**Rep Mock** moves a Do Pass as Amended.

**Rep. Brandenburg** seconded.

Representatives	Vote
Representative David Monson	Y
Representative Mike Brandenburg	Y
Representative Larry Bellew	N
Representative Keith Kempenich	A
Representative Lisa Meier	Y
Representative Corey Mock	Y
Representative Brandy Pyle	Y

**5-1-1, motion carries**

**Rep. Mock** will carry the bill.

**11:25 AM Chairman Monson** closed the meeting.

*Amy Liepke, Committee Clerk*



# 2023 HOUSE STANDING COMMITTEE MINUTES

## Appropriations Committee Brynhild Haugland Room, State Capitol

HB 1011  
2/15/2023

BILL for an Act to provide an appropriation for defraying the expenses of the highway patrol; and to provide for a transfer.
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**11:42 AM Chairman Vigesaa-** Meeting was called to order and roll call was taken:

**Members present;** Chairman Vigesaa, Representative B. Anderson, Representative Brandenburg, Representative Hanson, Representative Kreidt, Representative Martinson, Representative Mitskog, Representative Meier, Representative Mock, Representative Monson, Representative Nathe, Representative J. Nelson, Representative O'Brien, Representative Pyle, Representative Richter, Representative Sanford, Representative Schatz, Representative Schobinger, Representative Strinden, Representative G. Stemen and Representative Swiontek.

**Members not Present** Representative Bellew and Representative Kempenich

**Discussion Topics:**

- Amendment

**Representative Mock** Gives statement of purpose and the amendment 23.0240.01001 (Testimony #20897)

**Representative Mock** Move to adopt the amendment.

**Representative Monson** Seconds the motion.

**Committee discussion Roll call vote.**

Representatives	Vote
Representative Don Vigesaa	Y
Representative Keith Kempenich	Y
Representative Bert Anderson	Y
Representative Larry Bellew	A
Representative Mike Brandenburg	Y
Representative Karla Rose Hanson	Y
Representative Gary Kreidt	Y
Representative Bob Martinson	Y
Representative Lisa Meier	Y
Representative Alisa Mitskog	Y
Representative Corey Mock	Y
Representative David Monson	Y
Representative Mike Nathe	Y
Representative Jon O. Nelson	Y

Representative Emily O'Brien	Y
Representative Brandy Pyle	Y
Representative David Richter	Y
Representative Mark Sanford	Y
Representative Mike Schatz	N
Representative Randy A. Schobinger	Y
Representative Greg Stemen	Y
Representative Michelle Strinden	Y
Representative Steve Swiontek	Y

**Motion Carries 21-1-1**

**Representative Mock** Move for a Do Pass as Amended

**Representative Monson** Seconds the motion.

Committee discussion Roll call vote.

<b>Representatives</b>	<b>Vote</b>
Representative Don Vigesaa	Y
Representative Keith Kempenich	Y
Representative Bert Anderson	Y
Representative Larry Bellew	A
Representative Mike Brandenburg	Y
Representative Karla Rose Hanson	Y
Representative Gary Kreidt	Y
Representative Bob Martinson	Y
Representative Lisa Meier	Y
Representative Alisa Mitskog	Y
Representative Corey Mock	Y
Representative David Monson	Y
Representative Mike Nathe	Y
Representative Jon O. Nelson	Y
Representative Emily O'Brien	Y
Representative Brandy Pyle	Y
Representative David Richter	Y
Representative Mark Sanford	Y
Representative Mike Schatz	N
Representative Randy A. Schobinger	Y
Representative Greg Stemen	Y
Representative Michelle Strinden	Y
Representative Steve Swiontek	Y

**Motion carries 21-1-1 Representative Mock will carry the bill.**

**Chairman Vigesaa** Closed the meeting for HB 1011 @ 12:05 PM

*Risa Berube, Committee Clerk*

21523

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1011

Page 1, replace lines 9 through 15 with:

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Highway patrol	\$62,113,414	\$11,715,136	\$73,828,550
Total all funds	\$62,113,414	\$11,715,136	\$73,828,550
Less estimated income	<u>25,785,652</u>	<u>(3,668,019)</u>	<u>22,117,633</u>
Total general fund	\$36,327,762	\$15,383,155	\$51,710,917
Full-time equivalent positions	193.00	9.00	202.00"

Page 1, line 16, after "FUNDING" insert "- EFFECT ON BASE BUDGET - REPORT TO SIXTY-NINTH LEGISLATIVE ASSEMBLY"

Page 1, line 17, after "biennium" insert "and the one-time funding items included in the appropriation in section 1 of this Act"

Page 1, replace lines 23 and 24 with:

"Law enforcement radios	2,612,000	0
New trooper startup costs	0	477,000
Inflationary increases	0	2,562,000
Narcotics tester	0	60,000
Unmanned aerial vehicle program	0	104,000
Motor carrier program	0	427,000
Technology enhancements	0	170,000
Shooting range repairs	<u>0</u>	<u>200,000</u>
Total all funds	\$7,310,000	\$4,000,000
Less estimated income	<u>7,310,000</u>	<u>1,157,956</u>
Total general fund	\$0	\$2,842,044

The 2023-25 biennium one-time funding amounts are not a part of the entity's base budget for the 2025-27 biennium. The highway patrol shall report to the appropriations committees of the sixty-ninth legislative assembly on the use of this one-time funding for the biennium beginning July 1, 2023, and ending June 30, 2025."

Page 2, line 2, replace "\$9,346,781" with "\$11,575,949"

Page 2, line 9, replace "\$1,724,244" with "\$1,648,955"

Page 2, after line 11, insert:

**"SECTION 5. TRANSFER - MOTOR CARRIER ELECTRONIC PERMIT FUND TO NORTH DAKOTA HIGHWAY PATROLMEN'S RETIREMENT FUND.** The office of management and budget shall transfer the sum of \$2,000,000 from the motor carrier electronic permit fund to the North Dakota highway patrolmen's retirement fund for the purpose of reducing the unfunded liability of the North Dakota highway patrolmen's retirement plan during the biennium beginning July 1, 2023, and ending June 30, 2025."

Renumber accordingly

21  
2-15-23

**STATEMENT OF PURPOSE OF AMENDMENT:**

**House Bill No. 1011 - Highway Patrol - House Action**

	Base Budget	House Changes	House Version
Highway patrol	\$62,113,414	\$11,715,136	\$73,828,550
Total all funds	\$62,113,414	\$11,715,136	\$73,828,550
Less estimated income	25,785,652	(3,668,019)	22,117,633
General fund	\$36,327,762	\$15,383,155	\$51,710,917
FTE	193.00	9.00	202.00

**Department 504 - Highway Patrol - Detail of House Changes**

	Adjusts Funding for Base Payroll and Budget Changes <sup>1</sup>	Adds Funding for Salary and Benefit Increases <sup>2</sup>	Adjusts COVID-19 Funding <sup>3</sup>	Adds FTE Trooper Positions <sup>4</sup>	Adds Operating Funding <sup>5</sup>	Adds Funding for Technology Enhancements <sup>6</sup>
Highway patrol	\$688,363	\$3,866,239		\$3,145,760	\$358,774	\$303,000
Total all funds	\$688,363	\$3,866,239	\$0	\$3,145,760	\$358,774	\$303,000
Less estimated income	227,861	963,236	(6,966,000)	990,214	39,250	42,420
General fund	\$460,502	\$2,903,003	\$6,966,000	\$2,155,546	\$319,524	\$260,580
FTE	0.00	0.00	0.00	9.00	0.00	0.00

	Adds One-Time Funding for Unmanned Aerial Vehicles <sup>7</sup>	Adds One-Time Funding for Inflationary Increases <sup>8</sup>	Adds One-Time Funding for Narcotics Tester <sup>9</sup>	Adds One-Time Funding for Motor Carrier Program <sup>10</sup>	Adds One-Time Funding for Shooting Range Repairs <sup>11</sup>	Total House Changes
Highway patrol	\$104,000	\$2,562,000	\$60,000	\$427,000	\$200,000	\$11,715,136
Total all funds	\$104,000	\$2,562,000	\$60,000	\$427,000	\$200,000	\$11,715,136
Less estimated income	15,000	408,000	8,000	404,000	200,000	(3,668,019)
General fund	\$89,000	\$2,154,000	\$52,000	\$23,000	\$0	\$15,383,155
FTE	0.00	0.00	0.00	0.00	0.00	9.00

<sup>1</sup> Funding is adjusted for base payroll and budget changes.

<sup>2</sup> The following funding is added for 2023-25 biennium salary adjustments of 4 percent on July 1, 2023, and 4 percent on July 1, 2024, and increases in health insurance premiums from \$1,429 to \$1,648 per month:

	General Fund	Other Funds	Total
Salary increase	\$1,837,423	\$640,708	\$2,478,131
Health insurance increase	730,057	267,908	997,965
Total	\$2,567,480	\$908,616	\$3,476,096

Funding is also added from the general fund (\$335,523) and highway tax distribution fund (\$54,620) for increased employer contributions to the Highway Patrolmen's retirement fund approved by the Legislative Assembly in 2021.

<sup>3</sup> Funding is restored for general fund and special fund salaries paid from federal COVID-19 relief funds during the 2021-23 biennium.

<sup>4</sup> Funding is added for the following FTE trooper positions:

2A  
2-15-23

	<u>FTE Positions</u>	<u>General Fund</u>	<u>Other Funds</u>	<u>Total</u>
Backfill criminal interdiction troopers	5.00	\$1,272,224	\$207,107	\$1,479,331
Additional criminal interdiction troopers	2.00	488,624	79,544	568,168
Drug recognition trooper	1.00		284,082	284,082
Motor carrier trooper	<u>1.00</u>	<u>16,854</u>	<u>320,325</u>	<u>337,179</u>
Total	9.00	\$1,777,702	\$891,058	\$2,668,760

One-time funding of \$477,000 for equipment costs for the new positions is also added from the general fund (\$377,844) and other funds (\$99,156).

<sup>5</sup> Operating funding is added for the following purposes:

	<u>General Fund</u>	<u>Other Funds</u>	<u>Total</u>
Office lease increase	\$106,000	\$17,000	\$123,000
Warehouse space increase	106,000	17,000	123,000
New Capitol space rent model	74,274		74,274
Unmanned aerial vehicle license	1,000		1,000
Recruitment and advertising	<u>32,250</u>	<u>5,250</u>	<u>37,500</u>
Total	\$319,524	\$39,250	\$358,774

<sup>6</sup> Ongoing (\$133,000) and one-time (\$170,000) funding is added for enhancements to various software programs.

<sup>7</sup> One-time funding is added for enhancements to the agency's unmanned aerial vehicle program.

<sup>8</sup> One-time funding is added for inflationary increases including state fleet rates (\$2,042,000) and other supplies and equipment (\$520,000).

<sup>9</sup> One-time funding is added for a handheld narcotics tester.

<sup>10</sup> One-time funding is added for motor carrier safety program enhancements.

<sup>11</sup> One-time funding is added from the motor carrier electronic permit fund for a targeting system upgrade at the agency's shooting range.

**REPORT OF STANDING COMMITTEE**

**HB 1011: Appropriations Committee (Rep. Vigesaa, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (21 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). HB 1011 was placed on the Sixth order on the calendar.

Page 1, replace lines 9 through 15 with:

"	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Highway patrol	\$62,113,414	\$11,715,136	\$73,828,550
Total all funds	\$62,113,414	\$11,715,136	\$73,828,550
Less estimated income	<u>25,785,652</u>	<u>(3,668,019)</u>	<u>22,117,633</u>
Total general fund	\$36,327,762	\$15,383,155	\$51,710,917
Full-time equivalent positions	193.00	9.00	202.00"

Page 1, line 16, after "**FUNDING**" insert "**- EFFECT ON BASE BUDGET - REPORT TO SIXTY-NINTH LEGISLATIVE ASSEMBLY**"

Page 1, line 17, after "biennium" insert "and the one-time funding items included in the appropriation in section 1 of this Act"

Page 1, replace lines 23 and 24 with:

"Law enforcement radios	2,612,000	0
New trooper startup costs	0	477,000
Inflationary increases	0	2,562,000
Narcotics tester	0	60,000
Unmanned aerial vehicle program	0	104,000
Motor carrier program	0	427,000
Technology enhancements	0	170,000
Shooting range repairs	<u>0</u>	<u>200,000</u>
Total all funds	\$7,310,000	\$4,000,000
Less estimated income	<u>7,310,000</u>	<u>1,157,956</u>
Total general fund	\$0	\$2,842,044

The 2023-25 biennium one-time funding amounts are not a part of the entity's base budget for the 2025-27 biennium. The highway patrol shall report to the appropriations committees of the sixty-ninth legislative assembly on the use of this one-time funding for the biennium beginning July 1, 2023, and ending June 30, 2025."

Page 2, line 2, replace "\$9,346,781" with "\$11,575,949"

Page 2, line 9, replace "\$1,724,244" with "\$1,648,955"

Page 2, after line 11, insert:

**"SECTION 5. TRANSFER - MOTOR CARRIER ELECTRONIC PERMIT FUND TO NORTH DAKOTA HIGHWAY PATROLMEN'S RETIREMENT FUND.** The office of management and budget shall transfer the sum of \$2,000,000 from the motor carrier electronic permit fund to the North Dakota highway patrolmen's retirement fund for the purpose of reducing the unfunded liability of the North Dakota highway patrolmen's retirement plan during the biennium beginning July 1, 2023, and ending June 30, 2025."

Re-number accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

**House Bill No. 1011 - Highway Patrol - House Action**

	Base Budget	House Changes	House Version
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FTE	193.00	9.00	202.00

**Department 504 - Highway Patrol - Detail of House Changes**

	Adjusts Funding for Base Payroll and Budget Changes <sup>1</sup>	Adds Funding for Salary and Benefit Increases <sup>2</sup>	Adjusts COVID-19 Funding <sup>3</sup>	Adds FTE Trooper Positions <sup>4</sup>	Adds Operating Funding <sup>5</sup>	Adds Funding for Technology Enhancements <sup>6</sup>
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Total all funds	\$104,000	\$2,562,000	\$60,000	\$427,000	\$200,000	\$11,715,136
Less estimated income	15,000	408,000	8,000	404,000	200,000	(3,668,019)
General fund	\$89,000	\$2,154,000	\$52,000	\$23,000	\$0	\$15,383,155
FTE	0.00	0.00	0.00	0.00	0.00	9.00

<sup>1</sup> Funding is adjusted for base payroll and budget changes.

<sup>2</sup> The following funding is added for 2023-25 biennium salary adjustments of 4 percent on July 1, 2023, and 4 percent on July 1, 2024, and increases in health insurance premiums from \$1,429 to \$1,648 per month:

	General Fund	Other Funds	Total
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<sup>4</sup> Funding is added for the following FTE trooper positions:

	FTE Positions	General Fund	Other Funds	Total
Backfill criminal interdiction troopers	5.00	\$1,272,224	\$207,107	\$1,479,331
Additional criminal interdiction troopers	2.00	488,624	79,544	568,168
Drug recognition trooper	1.00		284,082	284,082
Motor carrier trooper	1.00	16,854	320,325	337,179
Total	9.00	\$1,777,702	\$891,058	\$2,668,760

One-time funding of \$477,000 for equipment costs for the new positions is also added from

the general fund (\$377,844) and other funds (\$99,156).

<sup>5</sup> Operating funding is added for the following purposes:

	<u>General Fund</u>	<u>Other Funds</u>	<u>Total</u>
Office lease increase	\$106,000	\$17,000	\$123,000
Warehouse space increase	106,000	17,000	123,000
New Capitol space rent model	74,274		74,274
Unmanned aerial vehicle license	1,000		1,000
Recruitment and advertising	<u>32,250</u>	<u>5,250</u>	<u>37,500</u>
Total	\$319,524	\$39,250	\$358,774

<sup>6</sup> Ongoing (\$133,000) and one-time (\$170,000) funding is added for enhancements to various software programs.

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<sup>9</sup> One-time funding is added for a handheld narcotics tester.

<sup>10</sup> One-time funding is added for motor carrier safety program enhancements.

<sup>11</sup> One-time funding is added from the motor carrier electronic permit fund for a targeting system upgrade at the agency's shooting range.



**2023 SENATE APPROPRIATIONS**

**HB 1011**

**Department 504 - Highway Patrol**  
**House Bill No. 1011**

**First Chamber Comparison to Base Level**

	<b>General Fund</b>	<b>Other Funds</b>	<b>Total</b>
2023-25 First Chamber Version	\$51,710,917	\$22,117,633	\$73,828,550
2023-25 Base Level	36,327,762	25,785,652	62,113,414
Increase (Decrease)	\$15,383,155	(\$3,668,019)	\$11,715,136

**First Chamber Changes**

A summary of the first chamber's changes to the agency's base level appropriations and the executive budget is attached as an appendix.

**Selected Bill Sections Included in the First Chamber Version**

**Highway tax distribution fund** - Section 3 provides for \$11,575,949 of special funds from the highway tax distribution fund to be used for Highway Patrol operations.

**Motor carrier electronic permit fund** - Section 4 provides for \$1,648,955 of special funds from the motor carrier electronic permit fund to be used for Highway Patrol operations.

**Highway Patrolmen's retirement fund transfer** - Section 5 transfers \$2 million from the motor carrier electronic permit fund to the Highway Patrolmen's retirement fund.

**Highway Patrol officer per diem** - Section 6 provides for Highway Patrol officer per diem of \$200 per month during the 2023-25 biennium, the same as provided during the 2021-23 biennium. The per diem payments are in lieu of reimbursement for meals and other expenses while in travel status within the state.

**Continuing Appropriations**

**Highway Patrol assets forfeiture fund** - North Dakota Century Code Section 39-03-18 - Consists of funds obtained from seized assets that may be used for paying expenses associated with the inventory and selling of seized assets, to pay for overtime relating to certain investigations, for purchasing equipment related to criminal interdiction, or to be used to match federal funding for certain programs.

**Motor carrier electronic permit transaction fund** - Section 39-12-02 - An additional fee of up to \$15 is charged for issuing an oversize or overweight vehicle permit electronically. The additional fee is deposited in the motor carrier electronic permit fund and deposits in the fund are appropriated on a continuing basis to the Highway Patrol for the maintenance of the online electronic permitting system.

**Deficiency Appropriations**

There are no deficiency appropriations for this agency.

**Significant Audit Findings**

There are no significant audit findings for the Highway Patrol.

**Major Related Legislation**

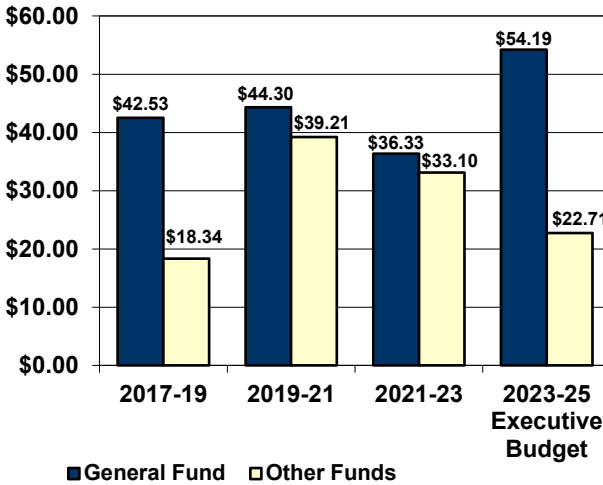
**Senate Bill No. 2053** - Adjusts terminology in statute relating to Highway Patrol troopers and motor vehicle crashes.

**Senate Bill No. 2054** - Clarifies the powers and duties of Highway Patrol troopers and adjusts language relating to Capitol grounds and Capitol Security.

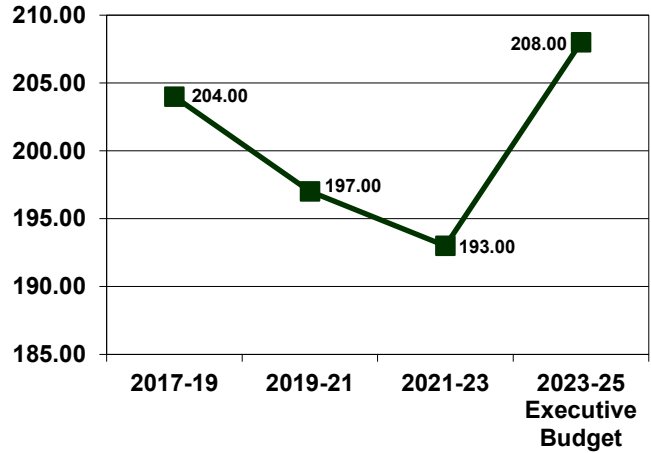
# Historical Appropriations Information

## Agency Appropriations and FTE Positions

Agency Funding (Millions)



FTE Positions



### Ongoing General Fund Appropriations

	2015-17	2017-19	2019-21	2021-23	2023-25 Executive Budget
Ongoing general fund appropriations	\$42,943,745	\$42,527,428	\$44,213,575	\$36,327,762	\$50,779,534
Increase (decrease) from previous biennium	N/A	(\$416,317)	\$1,686,147	(\$7,885,813)	\$14,451,772
Percentage increase (decrease) from previous biennium	N/A	(1.0%)	4.0%	(17.8%)	39.8%
Cumulative percentage increase (decrease) from 2015-17 biennium	N/A	(1.0%)	3.0%	(15.4%)	18.2%

### Major Increases (Decreases) in Ongoing General Fund Appropriations

#### 2017-19 Biennium

- Adjusted the funding source for permit section staff salaries and wages and related expenses from the general fund to the motor carrier electronic permit transaction fund (\$1,269,165)
- Added funding for trooper on-call pay \$323,750
- Removed 11 FTE positions and related funding (\$2,299,602)

#### 2019-21 Biennium

- Increased funding for operating expenses \$522,835
- Removed 7 FTE positions (\$573,376)

#### 2021-23 Biennium

- Adjusted funding for law enforcement salaries to be paid from federal coronavirus relief funds rather than the general fund (\$6,996,000)
- Adjusted operating expenses and removed 2 FTE Capitol Security positions (\$2,047,239)

#### 2023-25 Biennium (Executive Budget Recommendation)

- Restores law enforcement salaries paid from federal coronavirus relief funds during the 2021-23 biennium \$6,996,000
- Adds 15 FTE trooper positions for various purposes \$2,965,891
- Adds funding for technology enhancements \$226,000

### One-Time General Fund Appropriations

	2015-17	2017-19	2019-21	2021-23	2023-25 Executive Budget
One-time general fund appropriations	\$656,813	\$0	\$81,830	\$0	\$3,412,200

### Major One-Time General Fund Appropriations

**2017-19 Biennium**

None

**2019-21 Biennium**

Added funding to overhaul the agency's aircraft engine

\$81,830

**2021-23 Biennium**

None

**2023-25 Biennium (Executive Budget Recommendation)**

- |   |             |
|---|-------------|
| 1. Adds funding for State Fleet mileage increases           | \$1,706,000 |
| 2. Adds funding for inflationary increases                  | \$448,000   |
| 3. Adds funding for a garage addition at the Fargo location | \$622,000   |
| 4. Adds funding for technology enhancements                 | \$244,200   |

**Highway Patrol - Budget No. 504**  
**House Bill No. 1011**  
**Base Level Funding Changes**

	Executive Budget Recommendation				House Version			
	FTE Positions	General Fund	Other Funds	Total	FTE Positions	General Fund	Other Funds	Total
<b>2023-25 Biennium Base Level</b>	193.00	\$36,327,762	\$25,785,652	\$62,113,414	193.00	\$36,327,762	\$25,785,652	\$62,113,414
<b>2023-25 Ongoing Funding Changes</b>								
Base payroll and budget changes		\$460,502	\$227,861	\$688,363		\$460,502	\$227,861	\$688,363
Salary increase		2,453,942	855,161	3,309,103		1,837,423	640,708	2,478,131
Health insurance increase		713,640	261,884	975,524		730,057	267,908	997,965
Retirement increase - Highway Patrolmen's retirement fund		335,523	54,620	390,143		335,523	54,620	390,143
Adjust COVID-19 salary funding		6,966,000	(6,966,000)	0		6,966,000	(6,966,000)	0
Backfill criminal interdiction troopers	5.00	1,221,557	198,859	1,420,416	5.00	1,272,224	207,107	1,479,331
Additional criminal interdiction troopers	5.00	1,221,560	198,860	1,420,420	2.00	488,624	79,544	568,168
Capitol Security troopers	2.00	489,066	79,104	568,170				0
Drug recognition trooper	1.00		284,082	284,082	1.00		284,082	284,082
Motor carrier troopers	2.00	33,708	640,650	674,358	1.00	16,854	320,325	337,179
Lease rate increase		106,000	17,000	123,000		106,000	17,000	123,000
Additional warehouse space		106,000	17,000	123,000		106,000	17,000	123,000
New Capitol space rent model		74,274		74,274		74,274		74,274
Unmanned aerial vehicle enhancements		1,000		1,000		1,000		1,000
Technology enhancements		226,000	36,000	262,000		114,380	18,620	133,000
Recruitment and advertising initiative		43,000	7,000	50,000		32,250	5,250	37,500
Total ongoing funding changes	15.00	\$14,451,772	(\$4,087,919)	\$10,363,853	9.00	\$12,541,111	(\$4,825,975)	\$7,715,136
<b>One-Time Funding Items</b>								
New trooper one-time costs		\$228,000	\$37,000	\$265,000		\$377,844	\$99,156	\$477,000
State Fleet mileage increase		1,706,000	336,000	2,042,000		1,706,000	336,000	2,042,000
Inflationary increases		448,000	72,000	520,000		448,000	72,000	520,000
Narcotics tester		52,000	8,000	60,000		52,000	8,000	60,000
Unmanned aerial vehicle enhancements - One-time		89,000	15,000	104,000		89,000	15,000	104,000
Motor carrier program enhancements		23,000	404,000	427,000		23,000	404,000	427,000
Technology enhancements - One-time		244,200	39,000	283,200		146,200	23,800	170,000
Fargo garage addition		622,000	100,000	722,000				0
Shooting range targeting system (MCEPF)				0			200,000	200,000
Total one-time funding changes	0.00	\$3,412,200	\$1,011,000	\$4,423,200	0.00	\$2,842,044	\$1,157,956	\$4,000,000
<b>Total Changes to Base Level Funding</b>	15.00	\$17,863,972	(\$3,076,919)	\$14,787,053	9.00	\$15,383,155	(\$3,668,019)	\$11,715,136
<b>2023-25 Total Funding</b>	208.00	\$54,191,734	\$22,708,733	\$76,900,467	202.00	\$51,710,917	\$22,117,633	\$73,828,550
<i>Federal funds included in other funds</i>			\$9,270,174				\$8,894,222	
<i>Total ongoing changes as a percentage of base level</i>	7.8%	39.8%	(15.9%)	16.7%	4.7%	34.5%	(18.7%)	12.4%
<i>Total changes as a percentage of base level</i>	7.8%	49.2%	(11.9%)	23.8%	4.7%	42.3%	(14.2%)	18.9%

**Other Sections in Highway Patrol - Budget No. 504**

	<u>Executive Budget Recommendation</u>	<u>House Version</u>
Highway tax distribution fund	Section 3 would provide for \$11,989,604 of special funds from the highway tax distribution fund to be used for Highway Patrol operations.	Section 3 provides for \$11,575,949 of special funds from the highway tax distribution fund to be used for Highway Patrol operations.
Motor carrier electronic permit fund	Section 4 would provide for \$1,448,955 of special funds from the motor carrier electronic permit fund to be used for Highway Patrol operations.	Section 4 provides for \$1,648,955 of special funds from the motor carrier electronic permit fund to be used for Highway Patrol operations.
Retirement fund transfer	None	Section 5 transfers \$2 million from the motor carrier electronic permit fund to the Highway Patrolmen's retirement fund.
Highway Patrol officer per diem	Section 5 would provide for Highway Patrol officer per diem of \$200 per month during the 2023-25 biennium, the same as provided during the 2021-23 biennium. The per diem payments are in lieu of reimbursement for meals and other expenses while in travel status within the state.	Section 6 provides for Highway Patrol officer per diem of \$200 per month during the 2023-25 biennium, the same as provided during the 2021-23 biennium. The per diem payments are in lieu of reimbursement for meals and other expenses while in travel status within the state.

# 2023 SENATE STANDING COMMITTEE MINUTES

## Appropriations - Education and Environment Division Sakakawea Room, State Capitol

HB 1011  
3/8/2023

A BILL for an Act to provide an appropriation for defraying the expenses of the highway patrol; and to provide for a transfer.

2:16 PM Chairman Sorvaag opened the hearing on HB 1011.

Members present: Senators Sorvaag, Krebsbach, Rust, Schaible, and Meyer

### Discussion Topics:

- North Dakota Highway Patrol
- Agency Operations
- Regions
- Accomplishments
- Agreement with tribal jurisdictions
- Criminal interdiction team
- Critical issues
- Agency workload
- Budget information
- Optional requests
- Federal funding

2:16 PM Brandon Solberg, Superintendent North Dakota Highway Patrol, introduced the bill, testimony # 23023 and #23302

### Additional written testimony:

- **Andrea Pfennig, North Dakota Motor Carriers Association, testimony # 22787**
- **Dey Muckle, Golden Valley County Sheriff, testimony # 22997**

3:39 PM Chairman Sorvaag closed the hearing.

*Kathleen Hall, Committee Clerk*

# 2023 SENATE STANDING COMMITTEE MINUTES

## Appropriations - Education and Environment Division Sakakawea Room, State Capitol

HB 1011  
3/17/2023

A BILL for an Act to provide an appropriation for defraying the expenses of the highway patrol; and to provide for a transfer.
--

8:34 AM Chairman Sorvaag opened the meeting on HB 1011.

Members present: Senators Sorvaag, Krebsbach, Rust, and Meyer.

Members absent: Senator Schaible.

### **Discussion Topics:**

- North Dakota Highway Patrol
- Budget long sheet review
- Committee discussion
- Additional requests
- Commercial vehicle information exchange window
- Federal eShare asset forfeiture funds

8:35 AM Brady Larson, Legislative Council, reviewed budget long sheets, testimony # 25683

8:41 AM Major Aaron Hummel, North Dakota Highway Patrol, answered questions from the committee, testimony # 25684

9:00 AM Major Aaron Hummel, North Dakota Highway Patrol, continued with testimony #25684

9:13 AM Chairman Sorvaag closed the meeting.

*Kathleen Hall, Committee Clerk*



# 2023 SENATE STANDING COMMITTEE MINUTES

## Appropriations - Education and Environment Division Sakakawea Room, State Capitol

HB 1011  
3/22/2023

A BILL for an Act to provide an appropriation for defraying the expenses of the highway patrol; and to provide for a transfer.
--

8:34 AM Chairman Sorvaag opened the meeting on HB 1011.

Members present: Senators Sorvaag, Schaible, Krebsbach, Rust, and Meyer.

### **Discussion Topics:**

- North Dakota Highway Patrol
- Budget long sheet review
- Committee discussion
- Federal asset forfeiture fund

11:01 AM Senator Rust discussed budget long sheets, testimony # 25683

11:08 AM Brandon Solberg, Superintendent North Dakota Highway Patrol, answered questions from the committee

### **Additional Testimony: #26346**

11:38 AM Chairman Sorvaag closed the meeting.

*Kathleen Hall, Committee Clerk*

# 2023 SENATE STANDING COMMITTEE MINUTES

## Appropriations - Education and Environment Division Sakakawea Room, State Capitol

HB 1011  
3/30/2023

A BILL for an Act to provide an appropriation for defraying the expenses of the highway patrol; and to provide for a transfer.

8:42 AM Chairman Sorvaag opened the meeting on HB 1011.

Members present: Senators Sorvaag, Schaible, Krebsbach, Rust, and Meyer.

### Discussion Topics:

- North Dakota Highway Patrol
- Committee discussion

8:41 AM Senator Rust explained amendment LC 23.0240.02001, testimony # 27049

8:50 AM Brandon Solberg, Highway Patrol, answered questions from the committee, no written testimony

8:52 AM Senator Rust moved to adopt AMENDMENT 23.0240.02001.  
Senator Krebsbach seconded the motion.

Senators	Vote
Senator Ronald Sorvaag	Y
Senator Karen K. Krebsbach	Y
Senator Scott Meyer	Y
Senator David S. Rust	Y
Senator Donald Schaible	Y

Motion passed 5-0-0.

8:53 AM Senator Rust moved DO PASS AS AMENDED.  
Senator Rust seconded the motion.

Senators	Vote
Senator Ronald Sorvaag	Y
Senator Karen K. Krebsbach	Y
Senator Scott Meyer	Y
Senator David S. Rust	Y
Senator Donald Schaible	Y

Motion passed 5-0-0.

Senator Rust will carry the bill to full committee.

8:55 AM Chairman Sorvaag closed the meeting.  
*Kathleen Hall, Committee Clerk*

# 2023 SENATE STANDING COMMITTEE MINUTES

## Appropriations Committee Roughrider Room, State Capitol

HB 1011  
3/31/2023

Relating to a federal assets forfeiture fund; to provide an exemption; to provide a continuing appropriation; and to provide for a transfer.
--

10:04 AM Chairman Bekkedahl opened the hearing on HB 1011.

Members present: Senators Bekkedahl, Krebsbach, Burckhard, Davison, Dever, Dwyer, Erbele, Kreun, Meyer, Roers, Schaible, Sorvaag, Vedaa, Wanzek, Rust, and Mathern.

### Discussion Topics:

- Remodel
- Equipment costs
- Committee action

10:04 AM Senator Rust introduced the bill verbally.

10:12 AM Senator Rust moved to adopt the amendment. LC 23.0240.02001 #27148  
Senator Meyer seconded.

### Roll call vote

Senators	Vote
Senator Brad Bekkedahl	Y
Senator Karen K. Krebsbach	Y
Senator Randy A. Burckhard	Y
Senator Kyle Davison	Y
Senator Dick Dever	Y
Senator Michael Dwyer	Y
Senator Robert Erbele	Y
Senator Curt Kreun	Y
Senator Tim Mathern	Y
Senator Scott Meyer	Y
Senator Jim P. Roers	Y
Senator David S. Rust	Y
Senator Donald Schaible	Y
Senator Ronald Sorvaag	Y
Senator Shawn Vedaa	Y
Senator Terry M. Wanzek	Y

Motion passed. 16-0-0

10:15 AM Senator Rust moved DO PASS as Amended.  
Senator Kreun seconded.

Roll call vote.

<b>Senators</b>	<b>Vote</b>
Senator Brad Bekkedahl	Y
Senator Karen K. Krebsbach	Y
Senator Randy A. Burckhard	Y
Senator Kyle Davison	Y
Senator Dick Dever	Y
Senator Michael Dwyer	Y
Senator Robert Erbele	Y
Senator Curt Kreun	Y
Senator Tim Mathern	Y
Senator Scott Meyer	Y
Senator Jim P. Roers	Y
Senator David S. Rust	Y
Senator Donald Schaible	Y
Senator Ronald Sorvaag	Y
Senator Shawn Vedaa	Y
Senator Terry M. Wanzek	Y

Motion passed. 16-0-0

Senator Rust will carry the bill.

10:18 AM Chairman Bekkedahl closed the hearing.

*Justin Boone on behalf of Kathleen Hall, Committee Clerk*

March 28, 2023

AG  
3-31-23  
(1-3)

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1011

Page 1, line 1, after "patrol" insert "; to create and enact section 39-03-18.1 of the North Dakota Century Code, relating to a federal assets forfeiture fund; to provide an exemption; to provide a continuing appropriation"

Page 1, replace lines 11 through 15 with:

"Highway patrol	<u>\$62,113,414</u>	<u>\$8,633,574</u>	<u>\$70,746,988</u>
Total all funds	\$62,113,414	\$8,633,574	\$70,746,988
Less estimated income	<u>25,785,652</u>	<u>(4,512,750)</u>	<u>21,272,902</u>
Total general fund	\$36,327,762	\$13,146,324	\$49,474,086
Full-time equivalent positions	193.00	12.00	205.00"

Page 1, replace line 21 with:

"Commercial motor carrier system	\$275,000	\$150,000"
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Page 2, replace line 2 with:

"New trooper startup costs	0	636,000"
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Page 2, replace lines 7 through 11 with:

"Technology enhancements	<u>0</u>	<u>170,000</u>
Total all funds	\$7,310,000	\$4,109,000
Less estimated income	<u>7,310,000</u>	<u>1,130,216</u>
Total general fund	\$0	\$2,978,784"

Page 2, line 17, replace "\$11,575,949" with "\$11,238,321"

Page 2, line 24, replace "\$1,648,955" with "\$1,374,248"

Page 2, line 29, replace "\$2,000,000" with "\$3,000,000"

Page 3, after line 10, insert:

"**SECTION 7.** Section 39-03-18.1 of the North Dakota Century Code is created and enacted as follows:

**39-03-18.1. Highway patrol - Federal assets forfeiture fund - Continuing appropriation.**

There is created in the state treasury the highway patrol federal assets forfeiture fund. The fund consists of moneys received through federal asset forfeiture sharing programs. Funds received through federal sharing programs may not be deposited in the same account as assets forfeited pursuant to section 39-03-18. Up to three hundred thousand dollars are appropriated from the fund on a continuing basis each biennium to the highway patrol. Funding may be used only for eligible purchases identified by the federal department of justice and federal department of treasury. The superintendent, with the concurrence of the director of the office of management and budget, shall establish the necessary accounting procedures in accordance with the

federal asset sharing program for the use of the fund. All expenditures of moneys in the fund must be approved by the superintendent.

**SECTION 8. EXEMPTION.** The sum of \$225,000 of federal funds appropriated in section 1 of chapter 39 of the 2021 Session Laws for the commercial vehicle information exchange window system is not subject to the provisions of section 54-44.1-11 and may be continued into the biennium beginning July 1, 2023, and ending June 30, 2025."

AG  
3-31-23  
(2-3)

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

**House Bill No. 1011 - Highway Patrol - Senate Action**

	Base Budget	House Version	Senate Changes	Senate Version
Highway patrol	\$62,113,414	\$73,828,550	(\$3,081,562)	\$70,746,988
Total all funds	\$62,113,414	\$73,828,550	(\$3,081,562)	\$70,746,988
Less estimated income	25,785,652	22,117,633	(844,731)	21,272,902
General fund	\$36,327,762	\$51,710,917	(\$2,236,831)	\$49,474,086
FTE	193.00	202.00	3.00	205.00

**Department 504 - Highway Patrol - Detail of Senate Changes**

	Adjusts Funding for Salary and Benefit Increases <sup>1</sup>	Removes Salary Funding for Funding Pool <sup>2</sup>	Adds Trooper FTE Positions <sup>3</sup>	Adds Per Diem Funding for New Trooper Positions <sup>4</sup>	Adds Funding for On-Call and Overtime Pay <sup>5</sup>	Removes Shooting Range Upgrade Funding <sup>6</sup>
Highway patrol	\$754,249	(\$5,319,935)	\$1,064,377	\$52,800	\$416,947	(\$200,000)
Total all funds	\$754,249	(\$5,319,935)	\$1,064,377	\$52,800	\$416,947	(\$200,000)
Less estimated income	200,830	(1,595,167)	421,909	7,392	170,305	(200,000)
General fund	\$553,419	(\$3,724,768)	\$642,468	\$45,408	\$246,642	\$0
FTE	0.00	0.00	3.00	0.00	0.00	0.00

	Adds Funding for CVIEW System <sup>7</sup>	Total Senate Changes
Highway patrol	\$150,000	(\$3,081,562)
Total all funds	\$150,000	(\$3,081,562)
Less estimated income	150,000	(844,731)
General fund	\$0	(\$2,236,831)
FTE	0.00	3.00

<sup>1</sup> Salaries and wages funding is adjusted to provide for 2023-25 biennium salary increases of 6 percent on July 1, 2023, and 4 percent on July 1, 2024, and for adjustments to health insurance premium rates as follows:

	General Fund	Other Funds	Total
Salary increase	\$583,105	\$209,014	\$792,119
Health insurance adjustment	(29,686)	(8,184)	(37,870)
Total	\$553,419	\$200,830	\$754,249

The House provided salary adjustments of 4 percent on July 1, 2023, and July 1, 2024.

<sup>2</sup> Funding for new FTE positions and estimated savings from vacant FTE positions is removed as shown below. These amounts are available to the agency if needed by submitting a request to the Office of Management and Budget for a transfer from the new and vacant FTE funding pool.

	<u>General Fund</u>	<u>Other Funds</u>	<u>Total</u>
New FTE positions	(\$1,705,561)	(\$886,351)	(\$2,591,912)
Vacant FTE positions	<u>(2,019,207)</u>	<u>(708,816)</u>	<u>(2,728,023)</u>
Total	(\$3,724,768)	(\$1,595,167)	(\$5,319,935)

<sup>3</sup> The following FTE positions are added:

	<u>FTE</u>	<u>General Fund</u>	<u>Other Funds</u>	<u>Total</u>
Criminal interdiction trooper	1.00	\$244,341	\$39,772	\$284,113
Capitol security trooper	1.00	244,533	39,552	284,085
Motor carrier trooper	<u>1.00</u>	<u>16,854</u>	<u>320,325</u>	<u>337,179</u>
Total	3.00	\$505,728	\$399,649	\$905,377

AG  
3-31-23  
(3-3)

One-time funding of \$159,000 is also added for equipment costs for the positions. These 3 new FTE positions are in addition to the 9 FTE trooper positions added by the House including 7 FTE criminal interdiction troopers, 1 FTE drug recognition trooper, and 1 FTE motor carrier trooper.

<sup>4</sup> Funding is added for \$200 per month per diem payments for new trooper positions consistent with per diem payments for existing trooper positions.

<sup>5</sup> Funding is added for on-call and overtime pay to account for employee salary increases and equity adjustments.

<sup>6</sup> One-time funding from the motor carrier electronic permit fund added by the House for shooting range upgrades is removed.

<sup>7</sup> One-time federal funding is added for the motor carrier Commercial Vehicle Information Exchange Window system.

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This amendment also:

- Increases the transfer from the motor carrier electronic permit fund to the Highway Patrolmen's Retirement Fund by \$1 million, from \$2 million as provided by the House to \$3 million.
- Adds a section to create a federal assets forfeiture fund with a continuing appropriation of up to \$300,000 per biennium to the Highway Patrol for eligible purchases.
- Adds a section to provide an exemption allowing unexpended 2021-23 biennium federal funding to continue into the 2023-25 biennium for the Commercial Vehicle Information Exchange Window system.

**REPORT OF STANDING COMMITTEE**

**HB 1011, as engrossed: Appropriations Committee (Sen. Bekkedahl, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (16 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1011 was placed on the Sixth order on the calendar. This bill does not affect workforce development.

Page 1, line 1, after "patrol" insert "; to create and enact section 39-03-18.1 of the North Dakota Century Code, relating to a federal assets forfeiture fund; to provide an exemption; to provide a continuing appropriation"

Page 1, replace lines 11 through 15 with:

"Highway patrol	\$62,113,414	\$8,633,574	\$70,746,988
Total all funds	\$62,113,414	\$8,633,574	\$70,746,988
Less estimated income	<u>25,785,652</u>	<u>(4,512,750)</u>	<u>21,272,902</u>
Total general fund	\$36,327,762	\$13,146,324	\$49,474,086
Full-time equivalent positions	193.00	12.00	205.00"

Page 1, replace line 21 with:

"Commercial motor carrier system	\$275,000	\$150,000"
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Page 2, replace line 2 with:

"New trooper startup costs	0	636,000"
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Page 2, replace lines 7 through 11 with:

"Technology enhancements	0	170,000
Total all funds	\$7,310,000	\$4,109,000
Less estimated income	<u>7,310,000</u>	<u>1,130,216</u>
Total general fund	\$0	\$2,978,784"

Page 2, line 17, replace "\$11,575,949" with "\$11,238,321"

Page 2, line 24, replace "\$1,648,955" with "\$1,374,248"

Page 2, line 29, replace "\$2,000,000" with "\$3,000,000"

Page 3, after line 10, insert:

**"SECTION 7.** Section 39-03-18.1 of the North Dakota Century Code is created and enacted as follows:

**39-03-18.1. Highway patrol - Federal assets forfeiture fund - Continuing appropriation.**

There is created in the state treasury the highway patrol federal assets forfeiture fund. The fund consists of moneys received through federal asset forfeiture sharing programs. Funds received through federal sharing programs may not be deposited in the same account as assets forfeited pursuant to section 39-03-18. Up to three hundred thousand dollars are appropriated from the fund on a continuing basis each biennium to the highway patrol. Funding may be used only for eligible purchases identified by the federal department of justice and federal department of treasury. The superintendent, with the concurrence of the director of the office of management and budget, shall establish the necessary accounting procedures in accordance with the federal asset sharing program for the use of the fund. All expenditures of moneys in the fund must be approved by the superintendent.



**SECTION 8. EXEMPTION.** The sum of \$225,000 of federal funds appropriated in section 1 of chapter 39 of the 2021 Session Laws for the commercial vehicle information exchange window system is not subject to the provisions of section 54-44.1-11 and may be continued into the biennium beginning July 1, 2023, and ending June 30, 2025."

ReNUMBER accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

**House Bill No. 1011 - Highway Patrol - Senate Action**

	Base Budget	House Version	Senate Changes	Senate Version
Highway patrol	\$62,113,414	\$73,828,550	(\$3,081,562)	\$70,746,988
Total all funds	\$62,113,414	\$73,828,550	(\$3,081,562)	\$70,746,988
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FTE	193.00	202.00	3.00	205.00

**Department 504 - Highway Patrol - Detail of Senate Changes**

	Adjusts Funding for Salary and Benefit Increases <sup>1</sup>	Removes Salary Funding for Funding Pool <sup>2</sup>	Adds Trooper FTE Positions <sup>3</sup>	Adds Per Diem Funding for New Trooper Positions <sup>4</sup>	Adds Funding for On-Call and Overtime Pay <sup>5</sup>	Removes Shooting Range Upgrade Funding <sup>6</sup>
Highway patrol	\$754,249	(\$5,319,935)	\$1,064,377	\$52,800	\$416,947	(\$200,000)
Total all funds	\$754,249	(\$5,319,935)	\$1,064,377	\$52,800	\$416,947	(\$200,000)
Less estimated income	200,830	(1,595,167)	421,909	7,392	170,305	(200,000)
General fund	\$553,419	(\$3,724,768)	\$642,468	\$45,408	\$246,642	\$0
FTE	0.00	0.00	3.00	0.00	0.00	0.00

	Adds Funding for CVIEW System <sup>7</sup>	Total Senate Changes
Highway patrol	\$150,000	(\$3,081,562)
Total all funds	\$150,000	(\$3,081,562)
Less estimated income	150,000	(844,731)
General fund	\$0	(\$2,236,831)
FTE	0.00	3.00

<sup>1</sup> Salaries and wages funding is adjusted to provide for 2023-25 biennium salary increases of 6 percent on July 1, 2023, and 4 percent on July 1, 2024, and for adjustments to health insurance premium rates as follows:

	General Fund	Other Funds	Total
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Health insurance adjustment	(29,686)	(8,184)	(37,870)
Total	\$553,419	\$200,830	\$754,249

The House provided salary adjustments of 4 percent on July 1, 2023, and July 1, 2024.

<sup>2</sup> Funding for new FTE positions and estimated savings from vacant FTE positions is removed as shown below. These amounts are available to the agency if needed by submitting a request to the Office of Management and Budget for a transfer from the new and vacant FTE funding pool.

	General Fund	Other Funds	Total
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Vacant FTE positions	(2,019,207)	(708,816)	(2,728,023)
Total	(\$3,724,768)	(\$1,595,167)	(\$5,319,935)

<sup>3</sup> The following FTE positions are added:

	<u>FTE</u>	<u>General Fund</u>	<u>Other Funds</u>	<u>Total</u>
Criminal interdiction trooper	1.00	\$244,341	\$39,772	\$284,113
Capitol security trooper	1.00	244,533	39,552	284,085
Motor carrier trooper	1.00	16,854	320,325	337,179
Total	3.00	\$505,728	\$399,649	\$905,377

One-time funding of \$159,000 is also added for equipment costs for the positions. These 3 new FTE positions are in addition to the 9 FTE trooper positions added by the House including 7 FTE criminal interdiction troopers, 1 FTE drug recognition trooper, and 1 FTE motor carrier trooper.

<sup>4</sup> Funding is added for \$200 per month per diem payments for new trooper positions consistent with per diem payments for existing trooper positions.

<sup>5</sup> Funding is added for on-call and overtime pay to account for employee salary increases and equity adjustments.

<sup>6</sup> One-time funding from the motor carrier electronic permit fund added by the House for shooting range upgrades is removed.

<sup>7</sup> One-time federal funding is added for the motor carrier Commercial Vehicle Information Exchange Window system.

This amendment also:

- Increases the transfer from the motor carrier electronic permit fund to the Highway Patrolmen's Retirement Fund by \$1 million, from \$2 million as provided by the House to \$3 million.
- Adds a section to create a federal assets forfeiture fund with a continuing appropriation of up to \$300,000 per biennium to the Highway Patrol for eligible purchases.
- Adds a section to provide an exemption allowing unexpended 2021-23 biennium federal funding to continue into the 2023-25 biennium for the Commercial Vehicle Information Exchange Window system.

**2023 CONFERENCE COMMITTEE**

**HB 1011**

# 2023 HOUSE STANDING COMMITTEE MINUTES

## Appropriations - Government Operations Division Brynhild Haugland Room, State Capitol

HB 1011  
4/12/2023

Conference Committee

A BILL for an Act to provide an appropriation for defraying the expenses of the highway patrol; and to provide for a transfer
---

**Chairman Brandenburg** opened the meeting at 2:34 PM

**Members present: Chair Brandenburg, Rep. Pyle, Rep. Mock Sen. Rust, Sen. Sorvaag, Sen. Krebsbach**

### **Discussion Topics:**

- Committee Work
- Comparing House and Senate changes
- North Dakota Highway Fatalities

Senator Sorvaag discussed that he will be filling in for Senator Meyer today.

Senator Rust discusses changes the senate made. (#27516)

Senator Rust gives committee emails he has received (#27509) (#27510)

Representative Mock discussed changes the house made.

**Chairman Brandenburg** closed the meeting at 2:59 PM

*Leah Kuball, Committee Clerk*

# 2023 HOUSE STANDING COMMITTEE MINUTES

## Appropriations - Government Operations Division Brynhild Haugland Room, State Capitol

HB 1011  
4/14/2023

Conference Committee

A BILL for an Act to provide an appropriation for defraying the expenses of the highway patrol; and to provide for a transfer
---

**Chairman Brandenburg** opened the meeting at 9:01 AM

**Members present: Chair Brandenburg, Rep. Pyle, Rep. Mock Sen. Rust, Sen. Sorvaag, Sen. Krebsbach**

**Discussion Topics:**

- Capital safety
- Budget 504

Senator Rust discusses the new FTE's in the budget.

Representative Mock Discusses items on Budget 504 (#27516)

**Additional Testimony: #27560**

**Chairman Brandenburg** closed the meeting at 9:26 AM

*Leah Kuball, Committee Clerk*

# 2023 HOUSE STANDING COMMITTEE MINUTES

## Appropriations - Government Operations Division Brynhild Haugland Room, State Capitol

HB 1011  
4/17/2023

Conference Committee

A BILL for an Act to provide an appropriation for defraying the expenses of the highway patrol; and to provide for a transfer
---

**Chairman Brandenburg** opened the meeting at 9:36 AM

**Members present: Chair Brandenburg, Rep. Pyle, Rep. Mock Sen. Rust, Sen. Sorvaag, Sen. Krebsbach**

### Discussion Topics:

- Amendment (23.0240.02003)

Representative Mock discusses the amendment (23.0240.02003) (#27604)

Representative Mock moved that the senate recedes from their amendment and amend as follows (23.0240.02003)

Representative Pyle seconds motion

Motion carries: 6-0-0

House carrier: Representative Mock

Senate carrier: Senator Rust

**Chairman Brandenburg** closed the meeting at 9:44 AM

*Leah Kuball, Committee Clerk*

SK 4/17  
184

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1011

That the Senate recede from its amendments as printed on page 1610 of the House Journal and pages 1351-1354 and 1384 of the Senate Journal and that Engrossed House Bill No. 1011 be amended as follows:

Page 1, line 1, after "patrol" insert "; to create and enact section 39-03-18.1 of the North Dakota Century Code, relating to a federal assets forfeiture fund; to provide an exemption; to provide a continuing appropriation; to provide a report"

Page 1, replace lines 11 through 15 with:

"Highway patrol	\$62,113,414	\$9,075,774	\$71,189,188
Total all funds	\$62,113,414	\$9,075,774	\$71,189,188
Less estimated income	25,785,652	(4,035,290)	21,750,362
Total general fund	\$36,327,762	\$13,111,064	\$49,438,826
Full-time equivalent positions	193.00	12.00	205.00"

Page 1, replace line 21 with:

"Commercial motor carrier system	\$275,000	\$150,000"
----------------------------------	-----------	------------

Page 2, replace line 2 with:

"New trooper startup costs	0	636,000"
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Page 2, replace lines 7 through 11 with:

"Technology enhancements	0	283,200
Shooting range repairs	0	200,000
Total all funds	\$7,310,000	\$4,422,200
Less estimated income	7,310,000	1,589,616
Total general fund	\$0	\$2,832,584"

Page 2, line 17, replace "\$11,575,949" with "\$11,256,381"

Page 2, line 24, replace "\$1,648,955" with "\$1,633,648"

Page 2, line 29, replace "\$2,000,000" with "\$3,000,000"

Page 3, after line 2, insert:

**"SECTION 6. EXEMPTION - UNEXPENDED APPROPRIATIONS.** The following appropriations are not subject to the provisions of section 54-44.1-11 and may be continued into the biennium beginning July 1, 2023, and ending June 30, 2025:

1. The sum of \$3,000,000 of federal funds appropriated in section 6 of chapter 15 of the 2021 Session Laws for the law enforcement training academy project.
2. The sum of \$225,000 of federal funds appropriated in section 1 of chapter 39 of the 2021 Session Laws for the commercial vehicle information exchange window system.

SK  
2/4

3. The sum of \$2,612,000 of federal funds derived from the state fiscal recovery fund appropriated in subsection 21 of section 1 of chapter 550 of the 2021 Special Session Session Laws for purchasing radios compatible with the statewide interoperable radio network."

Page 3, after line 10, insert:

"**SECTION 8.** Section 39-03-18.1 of the North Dakota Century Code is created and enacted as follows:

**39-03-18.1. Highway patrol - Federal assets forfeiture fund - Continuing appropriation.**

There is created in the state treasury the highway patrol federal assets forfeiture fund. The fund consists of moneys received through federal asset forfeiture sharing programs. Funds received through federal sharing programs may not be deposited in the same account as assets forfeited pursuant to section 39-03-18. Up to three hundred thousand dollars is appropriated from the fund on a continuing basis each biennium to the highway patrol. Funding may be used only for eligible purchases identified by the federal department of justice and federal department of treasury. The superintendent, with the concurrence of the director of the office of management and budget, shall establish the necessary accounting procedures in accordance with the federal asset sharing program for the use of the fund. All expenditures of moneys in the fund must be approved by the superintendent.

**SECTION 9. DEFERRED MAINTENANCE - UNEXPENDED APPROPRIATIONS.** Pursuant to section 54-44.1-11, the highway patrol may submit a request to the chairmen of the appropriations committees of the senate and house of representatives of the legislative assembly and office of management and budget to continue unexpended appropriation authority transferred to the agency for deferred maintenance under subsection 10 of section 1 of chapter 550 of the 2021 Special Session Session Laws."

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

**House Bill No. 1011 - Highway Patrol - Conference Committee Action**

	Base Budget	House Version	Conference Committee Changes	Conference Committee Version	Senate Version	Comparison to Senate
Highway patrol	\$62,113,414	\$73,828,550	(\$2,639,362)	\$71,189,188	\$70,746,988	\$442,200
Total all funds	\$62,113,414	\$73,828,550	(\$2,639,362)	\$71,189,188	\$70,746,988	\$442,200
Less estimated income	25,785,652	22,117,633	(367,271)	21,750,362	21,272,902	477,460
General fund	\$36,327,762	\$51,710,917	(\$2,272,091)	\$49,438,826	\$49,474,086	(\$35,260)
FTE	193.00	202.00	3.00	205.00	205.00	0.00



SN  
3/14

**Department 504 - Highway Patrol - Detail of Conference Committee Changes**

	Adjusts Funding for Salary and Benefit Increases <sup>1</sup>	Removes Salary Funding for Funding Pool <sup>2</sup>	Adds Trooper FTE Positions <sup>3</sup>	Adds Per Diem Funding for New Trooper Positions <sup>4</sup>	Adds Funding for On-Call and Overtime Pay <sup>5</sup>	Adds Funding for CVIEW System <sup>6</sup>
Highway patrol	\$754,249	(\$5,319,935)	\$1,064,377	\$52,800	\$416,947	\$150,000
Total all funds	\$754,249	(\$5,319,935)	\$1,064,377	\$52,800	\$416,947	\$150,000
Less estimated income	200,830	(1,595,167)	421,909	7,392	170,305	150,000
General fund	\$553,419	(\$3,724,768)	\$642,468	\$45,408	\$246,642	\$0
FTE	0.00	0.00	3.00	0.00	0.00	0.00

	Adjusts Funding for Technology Projects <sup>7</sup>	Total Conference Committee Changes
Highway patrol	\$242,200	(\$2,639,362)
Total all funds	\$242,200	(\$2,639,362)
Less estimated income	277,460	(367,271)
General fund	(\$35,260)	(\$2,272,091)
FTE	0.00	3.00

<sup>1</sup> Salaries and wages funding is adjusted to provide for 2023-25 biennium salary increases of 6 percent on July 1, 2023, and 4 percent on July 1, 2024, and for adjustments to health insurance premium rates, the same as the Senate, as follows:

	General Fund	Other Funds	Total
Salary increase	\$583,105	\$209,014	\$792,119
Health insurance adjustment	(29,686)	(8,184)	(37,870)
Total	\$553,419	\$200,830	\$754,249

The House provided salary adjustments of 4 percent on July 1, 2023, and July 1, 2024.

<sup>2</sup> Funding for new FTE positions and estimated savings from vacant FTE positions is removed as shown below, the same as the Senate. These amounts are available to the agency if needed by submitting a request to the Office of Management and Budget for a transfer from the new and vacant FTE funding pool.

	General Fund	Other Funds	Total
New FTE positions	(\$1,705,561)	(\$886,351)	(\$2,591,912)
Vacant FTE positions	(2,019,207)	(708,816)	(2,728,023)
Total	(\$3,724,768)	(\$1,595,167)	(\$5,319,935)

The House did not remove funding for a new and vacant FTE funding pool.

<sup>3</sup> The following FTE positions are added:

	FTE	General Fund	Other Funds	Total
Criminal interdiction trooper	1.00	\$244,341	\$39,772	\$284,113
Capitol security trooper	1.00	244,533	39,552	284,085
Motor carrier trooper	1.00	16,854	320,325	337,179
Total	3.00	\$505,728	\$399,649	\$905,377

One-time funding of \$159,000 is also added for equipment costs for the positions. These 3 new FTE positions were also added by the Senate and are in addition to the 9 FTE trooper positions added by the House including 7 FTE criminal interdiction troopers, 1 FTE drug recognition trooper, and 1 FTE motor carrier trooper.

<sup>4</sup> Funding is added for \$200 per month per diem payments for new trooper positions consistent with per diem payments for existing trooper positions, the same as the Senate. The House did not include this funding.

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<sup>5</sup> Funding is added for on-call and overtime pay to account for employee salary increases and equity adjustments, the same as the Senate. The House did not include this funding adjustment.

<sup>6</sup> One-time federal funding is added for the motor carrier Commercial Vehicle Information Exchange Window system. The House did not include this funding, but the Senate added this funding.

<sup>7</sup> Funding for technology enhancements is adjusted as follows:

- Ongoing funding of \$129,000 is added, including \$110,940 from the general fund and \$18,060 from the highway tax distribution fund, to provide total funding of \$225,320. The House and Senate provided \$133,000, including \$114,380 from the general fund and \$18,620 from the highway tax distribution fund.
- One-time funding of \$113,200 is added by decreasing funding from the general fund by \$146,200 and by increasing funding of \$259,400 from the motor carrier electronic permit fund to provide total funding of \$283,200. The House and Senate provided \$146,200 from the general fund and \$23,800 from the highway tax distribution fund.

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This amendment also:

- Increases the transfer from the motor carrier electronic permit fund to the Highway Patrolmen's Retirement Fund by \$1 million, from \$2 million to \$3 million. The House provided for a transfer of \$2 million, and the Senate included a transfer of \$3 million.
- Includes a section added by the Senate to create a federal assets forfeiture fund with a continuing appropriation of up to \$300,000 per biennium to the Highway Patrol for eligible purchases. The House did not include this provision.
- Includes an exemption added by the Senate allowing unexpended 2021-23 biennium federal funding to continue into the 2023-25 biennium for the Commercial Vehicle Information Exchange Window system. The House did not include this exemption.
- Includes an exemption added by the Senate to allow 2021-23 biennium appropriations for the Law Enforcement Training Academy project to be continued into the 2023-25 biennium. The House did not include this exemption.
- Adds an exemption to allow 2021-23 biennium appropriations for radio equipment to be continued into the 2023-25 biennium. Neither the House or Senate included this exemption.
- Adds a section authorizing the agency to submit a request allowing 2021-23 biennium appropriations for deferred maintenance to continue into the 2023-25 biennium. Neither the House or Senate included this provision.

**2023 HOUSE CONFERENCE COMMITTEE  
 ROLL CALL VOTES**

BILL NO. HB 1011 as engrossed

**House Appropriations Government operation Committee**

- Action Taken**     **HOUSE accede to Senate Amendments**  
 **HOUSE accede to Senate Amendments and further amend**  
 **SENATE recede from Senate amendments**  
 **SENATE recede from Senate amendments and amend as follows**
- Unable to agree**, recommends that the committee be discharged and a new committee be appointed

Motion Made by: Representative Mock                      Seconded by: Representative Pyle

<b>Representatives</b>	4/12	4/14	4/17	<b>Yes</b>	<b>No</b>		<b>Senators</b>	4/12	4/14	4/17	<b>Yes</b>	<b>No</b>
Chairman Brandenburg	x	X	x	x			Sen. Rust	x	X	x	x	
Rep. Mock	x	X	x	x			Sen. Sorvaag	x	X	x	x	
Rep. Pyle	x	x	x	x			Sen. Krebsbach	x	X	x	x	
<b>Total Rep. Vote</b>				<b>3</b>	<b>0</b>		<b>Total Senate Vote</b>				<b>3</b>	<b>0</b>

Vote Count            Yes: 6                                      No: 0                                      Absent: 0

House Carrier    Mock                                      Senate Carrier    Rust

LC Number    23.0240                                      . 02003                                      of amendment

LC Number            23.0240                                      . 05000                                      of engrossment

Emergency clause added or deleted

Statement of purpose of amendment

**REPORT OF CONFERENCE COMMITTEE**

**HB 1011, as engrossed:** Your conference committee (Sens. Rust, Sorvaag, Krebsbach and Reps. Brandenburg, Mock, Pyle) recommends that the **SENATE RECEDE** from the Senate amendments as printed on HJ page 1610, adopt amendments as follows, and place HB 1011 on the Seventh order:

That the Senate recede from its amendments as printed on page 1610 of the House Journal and pages 1351-1354 and 1384 of the Senate Journal and that Engrossed House Bill No. 1011 be amended as follows:

Page 1, line 1, after "patrol" insert "; to create and enact section 39-03-18.1 of the North Dakota Century Code, relating to a federal assets forfeiture fund; to provide an exemption; to provide a continuing appropriation; to provide a report"

Page 1, replace lines 11 through 15 with:

"Highway patrol	<u>\$62,113,414</u>	<u>\$9,075,774</u>	<u>\$71,189,188</u>
Total all funds	\$62,113,414	\$9,075,774	\$71,189,188
Less estimated income	<u>25,785,652</u>	<u>(4,035,290)</u>	<u>21,750,362</u>
Total general fund	\$36,327,762	\$13,111,064	\$49,438,826
Full-time equivalent positions	193.00	12.00	205.00"

Page 1, replace line 21 with:

"Commercial motor carrier system	\$275,000	\$150,000"
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Page 2, replace line 2 with:

"New trooper startup costs	0	636,000"
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Page 2, replace lines 7 through 11 with:

"Technology enhancements	0	283,200
Shooting range repairs	<u>0</u>	<u>200,000</u>
Total all funds	\$7,310,000	\$4,422,200
Less estimated income	<u>7,310,000</u>	<u>1,589,616</u>
Total general fund	\$0	\$2,832,584"

Page 2, line 17, replace "\$11,575,949" with "\$11,256,381"

Page 2, line 24, replace "\$1,648,955" with "\$1,633,648"

Page 2, line 29, replace "\$2,000,000" with "\$3,000,000"

Page 3, after line 2, insert:

**"SECTION 6. EXEMPTION - UNEXPENDED APPROPRIATIONS.** The following appropriations are not subject to the provisions of section 54-44.1-11 and may be continued into the biennium beginning July 1, 2023, and ending June 30, 2025:

1. The sum of \$3,000,000 of federal funds appropriated in section 6 of chapter 15 of the 2021 Session Laws for the law enforcement training academy project.
2. The sum of \$225,000 of federal funds appropriated in section 1 of chapter 39 of the 2021 Session Laws for the commercial vehicle information exchange window system.

3. The sum of \$2,612,000 of federal funds derived from the state fiscal recovery fund appropriated in subsection 21 of section 1 of chapter 550 of the 2021 Special Session Session Laws for purchasing radios compatible with the statewide interoperable radio network."

Page 3, after line 10, insert:

"SECTION 8. Section 39-03-18.1 of the North Dakota Century Code is created and enacted as follows:

**39-03-18.1. Highway patrol - Federal assets forfeiture fund - Continuing appropriation.**

There is created in the state treasury the highway patrol federal assets forfeiture fund. The fund consists of moneys received through federal asset forfeiture sharing programs. Funds received through federal sharing programs may not be deposited in the same account as assets forfeited pursuant to section 39-03-18. Up to three hundred thousand dollars is appropriated from the fund on a continuing basis each biennium to the highway patrol. Funding may be used only for eligible purchases identified by the federal department of justice and federal department of treasury. The superintendent, with the concurrence of the director of the office of management and budget, shall establish the necessary accounting procedures in accordance with the federal asset sharing program for the use of the fund. All expenditures of moneys in the fund must be approved by the superintendent.

**SECTION 9. DEFERRED MAINTENANCE - UNEXPENDED APPROPRIATIONS.** Pursuant to section 54-44.1-11, the highway patrol may submit a request to the chairmen of the appropriations committees of the senate and house of representatives of the legislative assembly and office of management and budget to continue unexpended appropriation authority transferred to the agency for deferred maintenance under subsection 10 of section 1 of chapter 550 of the 2021 Special Session Session Laws."

ReNUMBER accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

**House Bill No. 1011 - Highway Patrol - Conference Committee Action**

	Base Budget	House Version	Conference Committee Changes	Conference Committee Version	Senate Version	Comparison to Senate
Highway patrol	\$62,113,414	\$73,828,550	(\$2,639,362)	\$71,189,188	\$70,746,988	\$442,200
Total all funds	\$62,113,414	\$73,828,550	(\$2,639,362)	\$71,189,188	\$70,746,988	\$442,200
Less estimated income	25,785,652	22,117,633	(367,271)	21,750,362	21,272,902	477,460
General fund	\$36,327,762	\$51,710,917	(\$2,272,091)	\$49,438,826	\$49,474,086	(\$35,260)
FTE	193.00	202.00	3.00	205.00	205.00	0.00

**Department 504 - Highway Patrol - Detail of Conference Committee Changes**

	Adjusts Funding for Salary and Benefit Increases <sup>1</sup>	Removes Salary Funding for Funding Pool <sup>2</sup>	Adds Trooper FTE Positions <sup>3</sup>	Adds Per Diem Funding for New Trooper Positions <sup>4</sup>	Adds Funding for On-Call and Overtime Pay <sup>5</sup>	Adds Funding for CVIEW System <sup>6</sup>
Highway patrol	\$754,249	(\$5,319,935)	\$1,064,377	\$52,800	\$416,947	\$150,000
Total all funds	\$754,249	(\$5,319,935)	\$1,064,377	\$52,800	\$416,947	\$150,000
Less estimated income	200,830	(1,595,167)	421,909	7,392	170,305	150,000
General fund	\$553,419	(\$3,724,768)	\$642,468	\$45,408	\$246,642	\$0
FTE	0.00	0.00	3.00	0.00	0.00	0.00

Insert LC: 23.0240.02003  
 House Carrier: Mock  
 Senate Carrier: Rust

	Adjusts Funding for Technology Projects <sup>7</sup>	Total Conference Committee Changes
Highway patrol	\$242,200	(\$2,639,362)
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The House provided salary adjustments of 4 percent on July 1, 2023, and July 1, 2024.

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The House did not remove funding for a new and vacant FTE funding pool.

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Insert LC: 23.0240.02003  
House Carrier: Mock  
Senate Carrier: Rust

and \$18,060 from the highway tax distribution fund, to provide total funding of \$225,320. The House and Senate provided \$133,000, including \$114,380 from the general fund and \$18,620 from the highway tax distribution fund.

- One-time funding of \$113,200 is added by decreasing funding from the general fund by \$146,200 and by increasing funding of \$259,400 from the motor carrier electronic permit fund to provide total funding of \$283,200. The House and Senate provided \$146,200 from the general fund and \$23,800 from the highway tax distribution fund.

This amendment also:

- Increases the transfer from the motor carrier electronic permit fund to the Highway Patrolmen's Retirement Fund by \$1 million, from \$2 million to \$3 million. The House provided for a transfer of \$2 million, and the Senate included a transfer of \$3 million.
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- Includes an exemption added by the Senate allowing unexpended 2021-23 biennium federal funding to continue into the 2023-25 biennium for the Commercial Vehicle Information Exchange Window system. The House did not include this exemption.
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- Adds an exemption to allow 2021-23 biennium appropriations for radio equipment to be continued into the 2023-25 biennium. Neither the House or Senate included this exemption.
- Adds a section authorizing the agency to submit a request allowing 2021-23 biennium appropriations for deferred maintenance to continue into the 2023-25 biennium. Neither the House or Senate included this provision.

Engrossed HB 1011 was placed on the Seventh order of business on the calendar.

**TESTIMONY**

**HB 1011**





68<sup>th</sup> Legislative Assembly

Testimony in Support of

**House Bill No. 1011**

House Appropriations Committee

Government Operations Division

January 9, 2023

TESTIMONY OF

**Colonel Brandon Solberg, Superintendent**

## **Introduction**

Good afternoon, Mr. Chairman and members of the House Government Operations Division. My name is Brandon Solberg, and I proudly serve as the superintendent of the North Dakota Highway Patrol.

The North Dakota Highway Patrol was founded in 1935, and the agency's primary statutory authority and responsibility comes from North Dakota Century Code Chapter 39-03. The highway patrol is comprised of two major components: field operations and administration. Field operations consists of four geographical regions and motor carrier operations. Administration consists of the administrative services division, the support services division, and finance.

Our emphasis as an agency has been on public safety through education and enforcement activities. Educating motorists to make the right decision is preferred over having to take enforcement action but enforcing traffic and criminal laws remains our primary function. Educating the public and trying to prevent crashes and traffic violations from ever occurring is a continual cycle. Every day that the department of transportation is open, a batch of new drivers hits the road. If troopers are called to a crash or make a traffic stop, then it's too late – a violation already occurred – so we continue to explore ways to dedicate more time and energy to prevention efforts.

The highway patrol's primary focus is traffic safety, and there continues to be three major contributing factors to serious injury and fatality crashes. Those are speeding, not wearing a seatbelt, and driving impaired. If we could eliminate those three violations, we'd save a lot of lives. Speeding alone is a contributing factor in approximately  $\frac{1}{4}$  of all fatality crashes, but it's such a common violation that many don't recognize the true danger of it. Distracted driving continues to be an issue as well, but it's a more difficult violation to identify, especially after a crash occurs.

The highway patrol fully supports the Vision Zero initiative because reducing crashes and unnecessary injuries and deaths on our roadways has been the agency's goal since 1935. In addition to traffic safety, the highway patrol assists local law enforcement agencies with emergencies and calls for service, especially when resources are limited. Many law enforcement agencies in North Dakota are smaller, and peace officers work together and help each other out regardless of the color of their uniform.

North Dakota has the opportunity to become the safest state in the nation. Most of us who reside here feel safe in our communities, and it's one of the reasons people choose to live in North Dakota. Maintaining a sense of safety wouldn't be possible without solid partnerships between federal, state, tribal, and local law enforcement agencies, and the highway patrol is grateful for all the first responders and dispatchers who work toward a common goal of providing public safety.

The highway patrol's mission is to make a difference every day by providing high quality law enforcement services to keep North Dakota safe and secure. If you were to ask our employees for one word that summarizes the agency, many of them would say professionalism. Our past and present employees are respected in their communities, and we are fortunate to have strong public support. We're committed to enhancing that public trust by being transparent and continually searching for opportunities to strengthen our relationships with stakeholders even further.

The citizens of North Dakota count on our employees to be responsive and proactive. Our employees enforce traffic laws, investigate crashes, provide safety presentations, help stranded motorists, and assist other agencies and community members during times of crisis. Our employees take pride in performing their duties and serving the citizens of this great state. Our officers are proud to wear the uniform of a North Dakota state trooper, and I appreciate the courage and commitment displayed by our entire team.

## **Current Biennium Accomplishments**

- Signed law enforcement mutual aid agreements with MHA and Spirit Lake Nations to clear up jurisdictional complexities
- Implemented an unmanned aerial vehicle program with UAVs available statewide for crash investigation and search & rescue operations
- The NDHP, DOT, DES, and Parks & Rec received the Roaming Bison Award for a combined response to the historic spring storm in April of 2022
- Received 11<sup>th</sup> accreditation award from the Commission on Accreditation for Law Enforcement Agencies – accredited since 1989
- Started a two-member crash assistance program with team members stationed in Fargo and Bismarck
- Hosted four opioid roundtables in Bismarck, Minot, Grand Forks and Fargo with 94 public and private partners in attendance
- Started a five-member criminal interdiction team with troopers stationed in Fargo and Bismarck
- Conducted the first American Governors' Border Strike Force detail in partnership with the State & Local Intelligence Center and the Bureau of Criminal Investigation which resulted in the seizure of 51.6 pounds of illicit drugs in a short one-week period
- Actively working toward a more inclusive and diverse workforce and culture
  - Signed 30x30 initiative which is a nationwide goal to reach 30% women in law enforcement by the year 2030
  - Hosted first Midwest Women in Law Enforcement conference
  - Submitted SB 2054 to update the term “patrolman” to “trooper”
- Grew agency’s Facebook page to over 77,000 followers, Twitter account to over 4,900 followers, and Instagram account to over 2,900 followers
- Raised nearly \$14,000 during Nail Polish/No Shave November events for St. Jude’s in 2021 and 2022
- Continued to operate the North Dakota Law Enforcement Training Academy and trained 128 new officers for ND law enforcement agencies and an additional 48 out of state students through the reciprocity course.
- Partnered with ND Department of Health & Human Services on a pilot project to identify culturally appropriate mental health providers for officer wellness

## Agency Workload

The highway patrol is comprised of 159 sworn officers and 34 non-sworn professional services team members. Of those sworn officers 39 are supervisors and 29 are specialized roles leaving 91 core traffic enforcement troopers to patrol the state's 70,762 square miles. State troopers cover approximately 80% of all serious injury and fatality crashes and approximately 20% of all other crashes.

	2021	2022
Road Patrol Hours	116,294	96,505
Traffic Stops	71,575	63,133
Traffic Citations	67,663	56,286
Warnings	42,215	43,027
Crashes Investigated	1,725	2,347
Criminal Arrests	5,929	5,512
Safety Talks	295	361
Motor Carrier Permits Issued	149,009	148,194
Assist Other Government Agency	3,149	3,161
Calls for Service	14,941	13,108
Total CAD Incidents	98,075	95,979
DUI Arrests	1,062	1,016
Drug-Related Arrests	1,758	1,700
Weapon Offenses	64	66
Motorist Assists/Abandoned Vehicles	7,714	12,367
Crash Investigation On-Scene Hours	3,763	4,309
Crash Investigation Follow-up Hours	2,386	2,862
Crash Reconstruction Hours	2,502	3,000
Overloads	1,080	942

## **Audit Findings**

### **Finding 2020-01**

#### **Condition: Terminated Employees Could Bypass Capitol Security**

#### **Recommendation:**

- **Perform monitoring procedures by routinely reconciling terminated employees to access within systems that control building security and disable access for terminated employees; or,**
- **Coordinate with human resource agencies to automate, if possible, building access for employees according to employment status.**

### ***Highway Patrol Response/Corrective Action Plan***

#### **Response:**

We agree with the finding. Agencies are currently directed under OMB Policy 108 to collect cards upon termination (end of employment). We do not have reason to believe that this isn't consistently being done. The NDHP will, however, clarify communications to agencies ensuring they notify NDHP Security to deactivate the ID card access of terminated employees in a timely manner. We will enhance our current internal control process by collaborating with OMB to explore possibilities within personnel records to build a better method of reconciling ID card access based on current employment status.

#### **Corrective Action:**

- Update the human resource process and communicate to agencies that use key access on the capitol complex. ServiceNow is the required method for agencies to notify the NDHP within 10 days (or sooner) of termination of employment.
- The NDHP will utilize OMB employment status records to reconcile requests as a failsafe measure.
- NDIT has a request for Security Expert software in their budget to enhance the current software package used for the electronic card access system.

## **Finding 2020-02**

### **Condition: Contractors Could Bypass Capitol Security**

#### **Recommendation:**

- **Consistently limit or automate expiration of building access for one year or less for non-employees and require agencies to renew access requests annually.**
- **Provide guidance to agencies to limit contractor access to contract needs for routine access with a maximum of the contracted period of services.**
- **Implement a required field on the Access Card Authorization Request form be used to identify when contractor access is to be revoked.**

### ***Highway Patrol Response/Corrective Action Plan***

#### Response:

We agree with the finding. The NDHP agrees to implement procedures to terminate access for individuals working under a specific contract in conjunction with the contract end date. We will also seek a process to ensure regular validation of employees of companies who are not under a state contract and currently doing regular business at the Capitol (ie. USPS, Fed-Ex, UPS).

Following the issuance of the final audit report, the NDHP will form an internal audit review committee to address each issue, identify possible solutions, and implement an action plan.

#### Corrective Action:

- Requests for contractor access through ServiceNow require an expiration date and state contract number to be added when requesting key access. Agencies are required to collect the card at the expiration date or end of the contract work period and notify the highway patrol to deactivate access.
- Contractor cards expire after one year unless the contract period is shorter in duration.
- NDIT has a request for Security Expert software in their budget to enhance the current software package used for the electronic card access system.

## Status of One-Time Projects

Project	Appropriation	Fund	Completion
Hard body armor	\$265,000	Permit Fund (276)	100%
Body and in-car cameras	\$1,158,000	Permit Fund (276)	95%
CVIEW	\$275,000	Permit Fund (276)	50%
LETA remodel	\$3,000,000	Fiscal Recovery Fund	25%

- Hard body armor replacement
  - \$265,000 – Motor Carrier Electronic Permit Transaction Fund
  - This project is 100% complete
- Body and in-car camera purchase
  - Total project cost - \$1,458,000
  - \$1,158,000 – Motor Carrier Electronic Permit Transaction Fund
  - NHTSA grant funds - \$300,000
  - Installs are 100% complete, project is 95% complete
  - Additional download needs in rural areas
  - Minor equipment adjustments
- Commercial Vehicle Information Exchange Window
  - \$275,000 Federal and Permit Funding
  - Top level design document complete (Phase 1)
  - Currently in procurement process to select the CVIEW software package
- Law Enforcement Training Academy (LETA) Remodel
  - \$3,000,000 – Federal Funds - State Fiscal Recovery Fund
  - Design work has been completed
  - Project has been bid
  - Contractor has been selected
  - Remodel work to begin early 2023
- Statewide Interoperability Radio Network (SIRN) Radios
  - \$2,612,000 – Federal Funds – State Fiscal Recovery Fund
  - Mobile and portable radios have been purchased
  - Initial test installs to begin in early adopter areas of Bismarck, Grand Forks and Williston early in 2023

## Executive Budget Comparison – Total Budget

The base level budget for the highway patrol is \$62,113,414.

<b>Funding Source</b>	<b>2021-23 Appropriation</b>	<b>2023-25 Request</b>	<b>2023-25 Executive</b>
General Funds	\$36,327,762	\$53,924,128	\$54,191,734
Special Funds	\$12,494,025	\$12,687,538	\$13,438,559
Federal Funds	\$17,989,627	\$9,210,092	\$9,270,174
<b>Total</b>	<b>\$66,811,414</b>	<b>\$75,821,758</b>	<b>\$76,900,467</b>

## Removal of One-Time Appropriations

- Hard body armor - \$265,000
- Body and in-vehicle cameras – \$1,158,000
- Commercial Vehicle Information Exchange Window (CVIEW) - \$275,000
- LETA remodel project - \$3,000,000
- Remove and replace CRF salary funding – \$8,100,000

## Agency Collections

The highway patrol deposits collections into the following funds:

<b>Fund</b>	<b>2021-23 Collections (Est.)*</b>	<b>2023-25 Collections (Est.)*</b>
Permit Fund (276)	\$2,544,000	\$2,544,000
Highway Fund (200)	\$22,588,000	\$22,588,000
ID Card Fund (471)	\$2,000	\$2,000
HTDF Fuel Tax (400)	\$155,000	\$155,000
Misc. Gen Rev. (001)	\$30,000	\$0
<b>Total</b>	<b>\$25,319,000</b>	<b>\$25,319,000</b>

*\*Estimates based on biennium to date collections as of November 30, 2022:*

- Collections from fund 276 e-permit fees - \$1,802,326
- Hwy Fund 200 overload fees - \$15,999,653
- ID card processing fund 471 fees - \$1,510

## Optional Adjustment Requests

The following optional requests were submitted during the executive budgeting process, including the one-time costs already discussed:



Optional Request	Amount	Executive Budget Status
<b>STATE FUNDS</b>		
NDPERS Contribution 2021-23 <ul style="list-style-type: none"> <li>• 0.5% employer contribution increases effective 1/1/22 and 1/1/23</li> <li>• <b>Ongoing</b></li> </ul>	\$129,622	Approved
State Fleet Increase <ul style="list-style-type: none"> <li>• \$0.94 operating/depreciation; \$0.05 replacement; total \$0.99/mile</li> <li>• General - \$1,706,000</li> <li>• Federal - \$60,000</li> <li>• Special - \$276,000</li> <li>• Ongoing request; approved as <b>one-time</b></li> </ul>	\$2,042,000	Approved
Lease Rate Increase <ul style="list-style-type: none"> <li>• Various lease rate adjustments</li> <li>• Regional offices, hangar, HQ</li> <li>• <b>Ongoing</b></li> </ul>	\$123,000	Approved
Sworn Officer Positions <ul style="list-style-type: none"> <li>• Approximately \$284,082 each</li> <li>• Backfill five criminal interdiction team members - \$1,685,416 (\$1,420,416 <b>ongoing</b>; \$265,000 <b>one-time</b>)</li> <li>• Add five criminal interdiction team members for the NW/NE - \$1,420,420 (<b>ongoing</b>)</li> <li>• Add two officers to enhance security and protection duties - \$568,170 (<b>ongoing</b>)</li> </ul>	\$3,674,006	Approved

<p>Information Technology</p> <ul style="list-style-type: none"> <li>• Learning management software - \$105,000 (\$70,000 <b>ongoing</b>; \$35,000 <b>one-time</b>)</li> <li>• Academy management software - \$122,000 (\$50,000 <b>ongoing</b>; \$72,000 <b>one-time</b>)</li> <li>• Field training officer software - \$15,200 (\$9,000 <b>ongoing</b>; \$6,200 <b>one-time</b>)</li> <li>• Video/digital photo storage - \$118,000 (\$103,000 <b>ongoing</b>; \$15,000 <b>one-time</b>)</li> <li>• Records management system (RMS) program updates - \$80,000 (<b>one-time</b>)</li> <li>• RMS/daily activity maintenance - \$25,000 (<b>ongoing</b>)</li> <li>• Daily activity software - \$10,000 (<b>one-time</b>)</li> <li>• States attorney portal interface - \$55,000 (\$5,000 <b>ongoing</b>; \$50,000 <b>one-time</b>)</li> <li>• Dashboard research/analytics - \$15,000 (<b>one-time</b>)</li> </ul>	\$545,200	Approved
<p>Equipment</p> <ul style="list-style-type: none"> <li>• UAV program enhancement - \$105,000 (\$1,000 <b>ongoing</b>; \$104,000 <b>one-time</b>)</li> <li>• Narcotic handheld testing device - \$60,000 (<b>one-time</b>)</li> </ul>	\$165,000	Approved
<p>Inflationary Increases</p> <ul style="list-style-type: none"> <li>• Uniforms - \$58,000 (<b>one-time</b>)</li> <li>• Ammunition - \$46,000 (<b>one-time</b>)</li> <li>• Equipment - \$370,000 (<b>one-time</b>)</li> <li>• Travel - \$46,000 (<b>one-time</b>)</li> <li>• Recruitment and advertising - \$50,000 (<b>ongoing</b>)</li> </ul>	\$570,000	Approved
<p>Additional Warehouse Space</p> <ul style="list-style-type: none"> <li>• <b>Ongoing</b></li> </ul>	\$123,000	Approved
<p>Garage Addition – Fargo Regional Office at DOT</p> <ul style="list-style-type: none"> <li>• <b>One-time</b></li> </ul>	\$722,000	Approved

<p>Additional Sworn Officers at \$284,082 Each</p> <ul style="list-style-type: none"> <li>• Two training officers</li> <li>• One state property criminal investigator</li> <li>• Two size and weight enforcement officers</li> <li>• One strategic planning officer</li> <li>• One recruiter</li> <li>• Two safety and education officers</li> <li>• One crash reconstructionist</li> </ul>	\$2,840,820	<b>Not Approved</b>
<b>FEDERAL FUNDS</b>		
<p>Statewide DRE Coordinator</p> <ul style="list-style-type: none"> <li>• Drug recognition expert (DRE) and standardized field sobriety testing programs</li> <li>• NHTSA-funded (100% federal funding)</li> <li>• <b>Ongoing</b></li> </ul>	\$284,082	Approved
<p>Motor Carrier Troopers</p> <ul style="list-style-type: none"> <li>• Four additional Motor Carrier Safety Assistance Program officers - \$1,348,716</li> <li>• Two of the four positions were approved</li> <li>• MCSAP-funded (95% federal funding for eligible hours and expenses)</li> <li>• <b>Ongoing</b></li> </ul>	\$674,358	Partially Approved
<p>Commercial Motor Vehicle (CMV) Equipment</p> <ul style="list-style-type: none"> <li>• Crash reconstruction equipment - \$35,000 (<b>one-time</b>)</li> <li>• UAVs for CMV inspections - \$100,000 (<b>one-time</b>)</li> <li>• Scale signage and lighting - \$150,000 (<b>one-time</b>)</li> </ul>	\$185,000	Approved
<p>Upper Great Plains Traffic Institute Crash Analysis</p> <ul style="list-style-type: none"> <li>• <b>One-time</b></li> </ul>	\$92,000	Approved
<p>Aries and Aspen Bridge</p> <ul style="list-style-type: none"> <li>• <b>One-time</b></li> </ul>	\$50,000	Approved

CMV Automated License Plate Readers	\$160,000	<b>Not Approved</b>
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**Executive Budget Comparison – Full-Time Equivalent Positions**

FTEs	2021-23 Appropriation	2023-25 Request	2023-25 Executive
Sworn Officers	159	186	174
Civilian Positions	34	34	34
<b>Total</b>	<b>193</b>	<b>220</b>	<b>208</b>

- Included:
  - Backfill five criminal interdiction team members - \$1,685,416
  - Add five criminal interdiction team members for the NW/NE - \$1,420,420
  - Add two officers to enhance security and protection duties - \$568,170
- Not included:
  - Two training officers
  - One state property criminal investigator
  - Two size and weight enforcement officers
  - One strategic planning officer
  - One recruiter
  - Two safety and education officers
  - One crash reconstructionist

**Additional Appropriation Considerations**

Currently, the highway patrol has three sections listed in our appropriations bill that we'd ask for your consideration to carry over into next biennium. The first is a transfer of highway tax distribution funds totaling approximately 14% of our appropriation. A transfer of \$9,346,781 in highway tax distribution funds was included in the executive budget.

The second section is related to a transfer of special funds from the motor carrier electronic permit transaction fund. This fund has been used to cover expenses related to the online permits system in addition to expenses for permits office staff, field administrative assistants and crash assistance program members. The requested amount from the permits fund would be \$1,724,244. This amount was included in the executive budget.

The third section is related to an unvouchered expense of \$200 per month that is provided to sworn officers in lieu of processing individual reimbursement requests for expenses such as meals and lodging while officers are traveling in-state. This expense has been authorized for decades, and the current level of \$200 has been in place since the 2009 legislative session. This amount was included in the executive budget.

Additional considerations include the following base budget limit adjustments that were factored into the executive budget recommendation:

- NDIT rate increases - \$173,840
- Cost to continue salaries - \$358,926
- 2023-25 PERS employer contributions - \$260,520
  - Two 0.5% employer increases on January 1 of 2024 and 2025
- \$8,100,000 to replace coronavirus relief funding during the 2021-23 biennium for sworn officer salaries
  - \$6,966,000 in general funds
  - \$1,134,000 in special funds

The highway patrol is also requesting consideration for the following budget submission corrections due to our error:

- One-time equipment costs for 10 of the sworn officer positions included in the executive budget were inadvertently omitted
  - Only five sworn officers were funded appropriately for one-time costs
  - \$53,000/officer = \$530,000 total
  - \$369,198 general; \$100,700 federal; \$60,102 special funds (**one-time**)
- Two of the criminal interdiction team members are supervisors
  - Inadvertently entered at trooper salary level
  - Additional biennial sergeant salary = \$58,915 each or \$117,830 total
  - \$101,344 general; \$16,496 special (**ongoing**)
- Unvouchered expenses were inadvertently left out
  - \$200/month/officer is the current rate

- 13 new non-supervisory positions = \$62,400 total
- \$53,412 general; \$8,988 special (**ongoing**)
- Total requested correction: \$710,230
  - General funds - \$523,944
  - Special funds - \$100,700
  - Federal funds - \$85,586

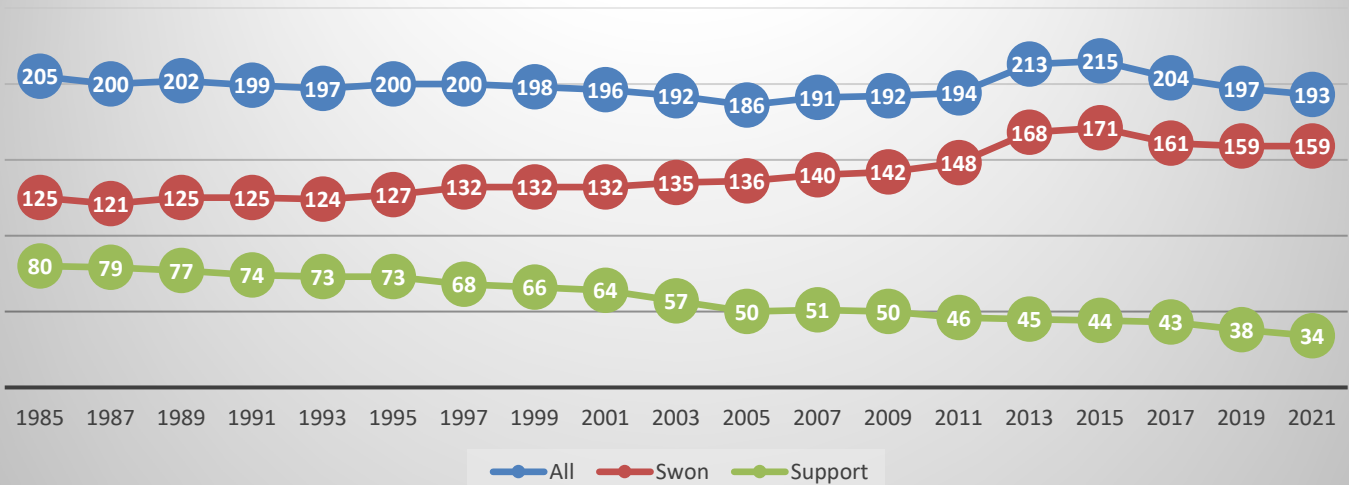
## **Agency-Related Bills**

- **Senate Bill 2053**
  - Changes the terms “patrolman” to “trooper” and “accident” to “crash”
  - With the Senate Transportation Committee
  - No budgetary impact
- **Senate Bill 2054**
  - Clarifies NDHP dignitary protection duties and card access responsibilities
  - With the Senate Transportation Committee
  - No budgetary impact
- **Senate Bill 2120**
  - Clarifies that overweight vehicle fees apply to non-interstate highways
  - With the Senate Transportation Committee
  - No budgetary impact
- **House Bill 1060**
  - Adds monthly and annual commercial motor vehicle permit options
  - With the House Transportation Committee
  - No budgetary impact
- **House Bill 1061**
  - Clarifies the right-of-way at stop sign intersections and that window damage that impairs a driver’s view is a violation
  - With House Transportation Committee
  - No budgetary impact
- **Senate Bill 2015**
  - Adds equity and performance-based pay for state agencies
  - \$1.16 million in equity identified for the NDHP
  - 6% and 4% annual performance increases
  - Fully funded health insurance

## Workforce Issues

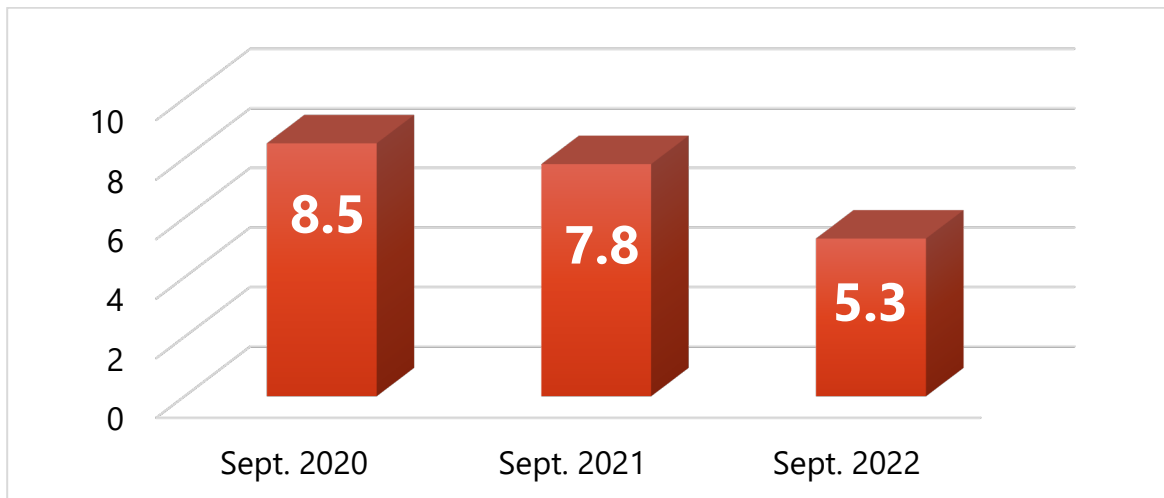
- 7<sup>th</sup> place in top pay among law enforcement agencies in ND
  - Used to be one of the most competitive
- High education and training requirements
  - Bachelor's degree or 60 semester hours/two years experience
  - 4-5 month hiring cycle
  - 6-month training academy
  - 2 months of field training
- Statewide post locations with limited initial offerings
  - Promotions often require a transfer/relocation
- Negative portrayals and attitudes toward law enforcement across the nation
- Unpredictable and dangerous profession
  - Various physical and mental health factors such as violent altercations, vehicle pursuits, hypervigilance, cumulative stress, vicarious trauma, poor sleep cycles, extreme weather, etc.
- FTEs reduced by 10% - from 215 in 2015 to 193 today (205 in 1985)
  - North Dakota's population has increased by 15% since 1985
  - Vehicle miles traveled have increased by 67% since 1985

**NDHP Authorized FTEs per Biennium: 1985-2019**



- Troopers stationed in 30 of 53 counties (43% without)
- Troopers provide specialized services to local agencies
  - Advanced crash investigation
  - Commercial motor vehicle enforcement
  - Supplemental emergency assistance and backup

- 91 core traffic enforcement troopers covering 70,700 sq. miles
  - Historical vacancy rate: 5-6 troopers/month (rarely ever fully-staffed)
- NDHP qualified applicants per open position



- The highway patrol’s PERS fund is projected to become insolvent based on the most recent actuarial valuation results dated October 25, 2022.
  - The highway patrol is currently going through a four-year cycle of 0.5% employee and employer contribution rate increases that started January 1 of 2022 and will end January 1 of 2025 – 4% total.
  - Factoring upcoming rate increases, the highway patrol fund is still 16% below the “actuarially required rate” for contributions.
  - The funded ratio is currently around 70% and is projected to be around 40% by the year 2062.
  - Several options have been discussed including a one-time infusion and vacancy fund transfers.

## **Conclusion**

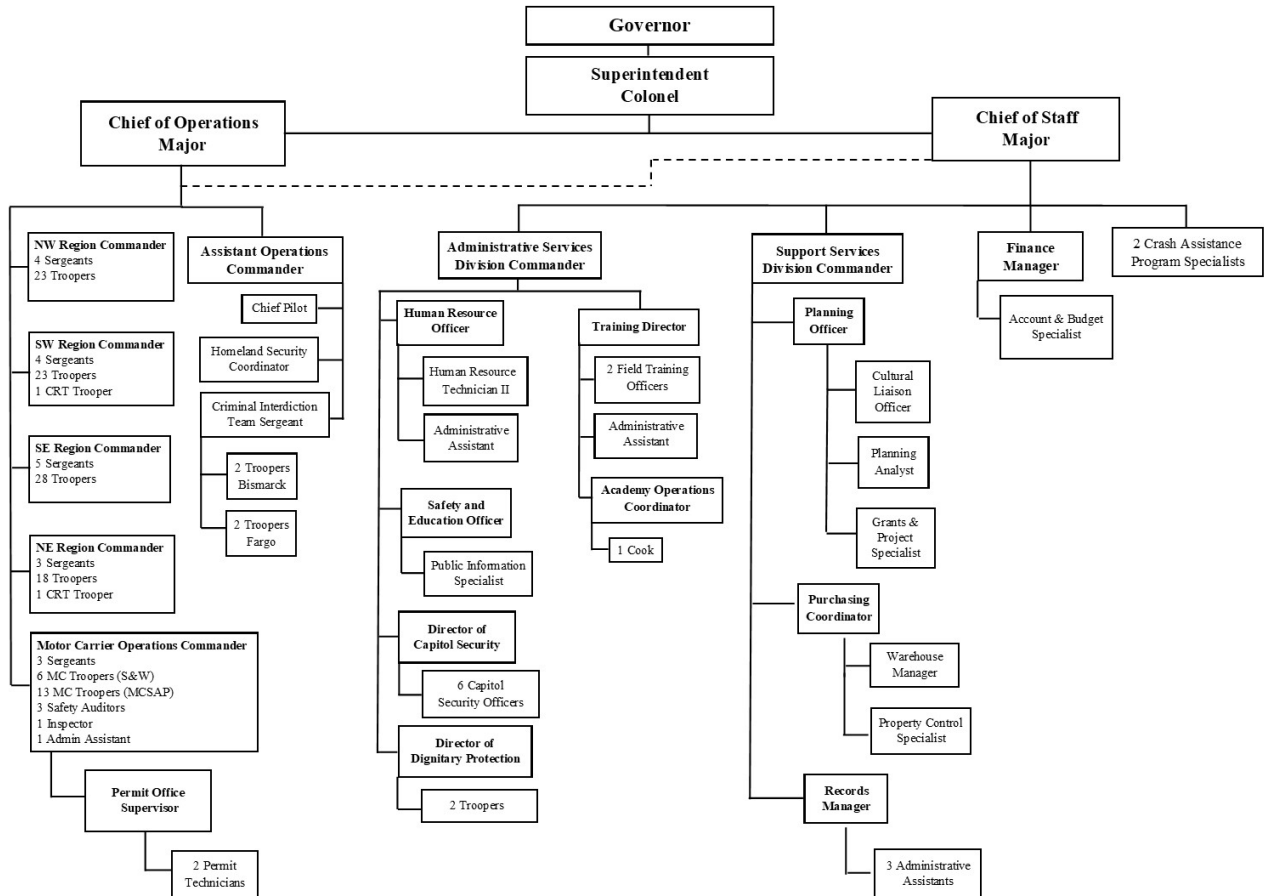
As the superintendent of the highway patrol representing North Dakota’s finest, our state troopers and all the professionals in our agency who support their noble work, I would ask for your consideration of the executive budget recommendation.

Our team members have displayed an unprecedented level of dedication and commitment to the state and those we serve during several years of challenging budget cycles, and we appreciate all that you’ve done for our agency in the past.

This session presents an opportunity to send a clear message of support. This concludes my testimony, and I look forward to working with you all more closely as the session continues. Thank you, Mr. Chairman, and members of the committee. I’d be happy to answer any questions.

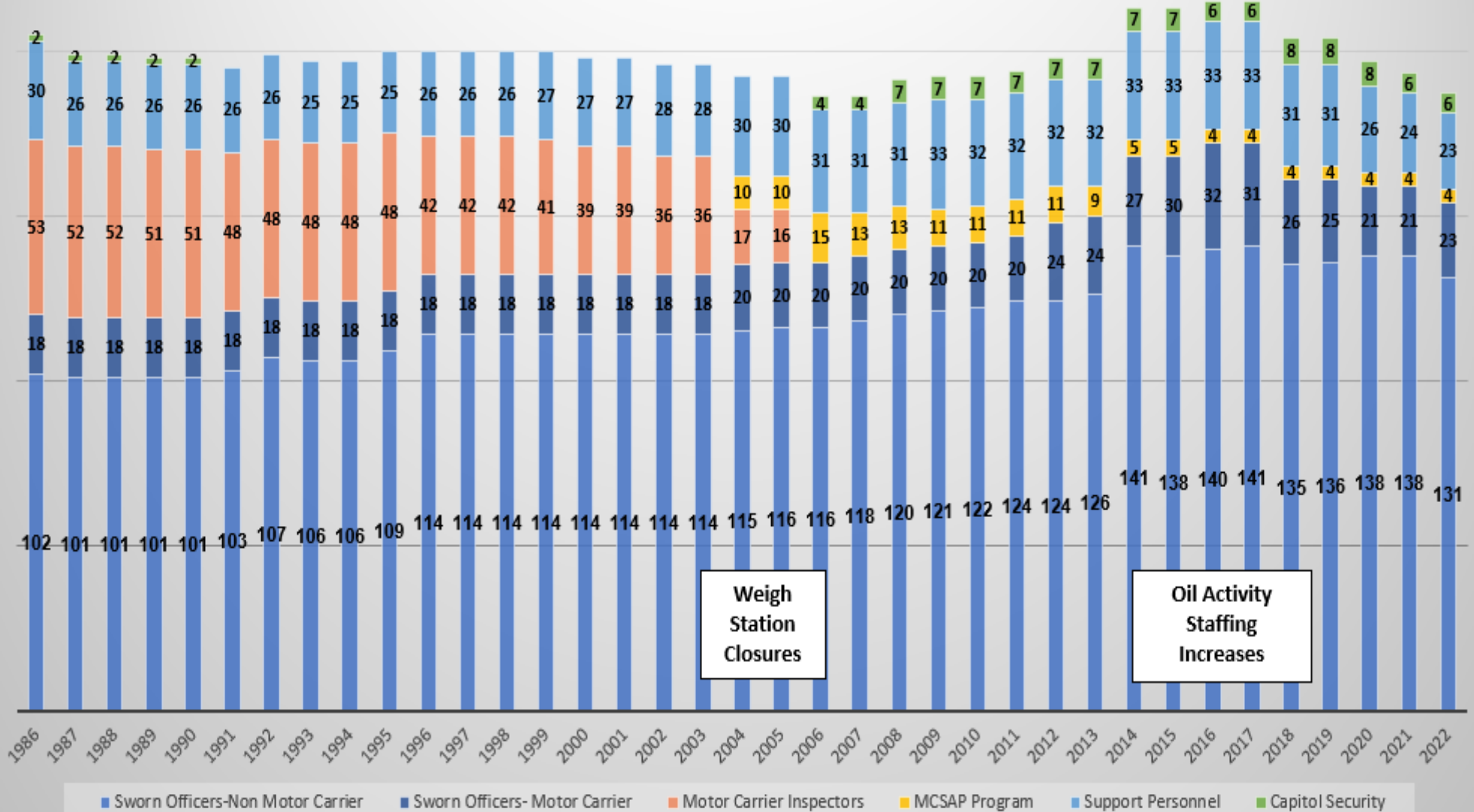


**NORTH DAKOTA HIGHWAY PATROL ORGANIZATION CHART**



January 2023

# North Dakota Highway Patrol Historical Staffing



Weigh Station Closures

Oil Activity Staffing Increases



# HIGHWAY PATROL 2023-25 AGENCY BUDGET REQUEST

## DETAILED LEGISLATIVE INFO



<https://www.nd.gov/ndhp/2023Session>

## KEY AREAS OF FOCUS

**Employer of Choice/Workforce:** Continue to recruit high-quality law enforcement personnel in a competitive and challenging environment. Focus on competitive salary, benefits, employee well-being, training, and equipment.

**Enhance Criminal Interdiction Efforts:** Combat transnational criminal organizations by devoting more resources to reduce highway-related crimes including illicit drug and human trafficking operations.

**Provide a Secure Environment & Protect Infrastructure:** Enhance our ability to protect the state capitol, employees, elected officials, and visitors and thoroughly investigate threats as they occur. Protect the multi-billion-dollar investment in our state's highways from premature damage.

**Transform Education & Prevention:** Strengthen our ability to provide high-quality law enforcement training to new peace officers from multiple agencies. Become a leader in continuing education and advanced training, especially in high liability areas such as active threat response, use of force, and emergency vehicle operations. Bolster education and prevention efforts by providing relevant training to all groups with a goal to eliminate crashes and save lives.

**Leverage Technology & Research and Development:** Strengthen our ability to plan strategically and forecast change and disruption in equipment, technology, and law enforcement policies and practices.

## PROPOSED CHANGES

**2023-25 Budget**  
**\$76,900,467**

General: \$54,191,734  
Special: \$13,438,559  
Federal: \$9,270,174

**174 (+15)**  
**Sworn Officers**  
**34**

Civilian Team Members

## BUDGET REQUESTS

**Software Enhancements**  
Reduce duplicate data entry  
Learning management software  
Records management upgrades

**Inflationary Impacts**  
20% increase in equipment  
20% increase in ammunition  
10% increase in travel

**Recruitment**  
\$50,000 increase for  
enhancements to recruitment  
and advertising

State Fleet Rates Cost to Continue  
**\$2,042,000**

Lease Rates Cost to Continue  
**\$123,000**

Equipment and Technology Requests

Additional Facility and Lease Needs

NDPERS Unfunded 2021-23  
**\$129,622**

# HIGHWAY PATROL 2023-25

## STAFFING REQUESTS



### Criminal Interdiction Efforts

- Backfill five sworn officers who were used to create the highway patrol's first criminal interdiction team
- Add five sworn officers to the criminal interdiction team for a total of 10 to cover all four regions of the state and tribal nations
- Access NDDOT grant funding to add one coordinator to assist with the statewide drug recognition expert (DRE) program



### Secure Environment & Protect Infrastructure

- Add two sworn capitol security/dignitary protection officers to enhance existing staffing
- Currently, two sergeants, two troopers, and six full-time non-sworn capitol security officers cover the capitol grounds and dignitary protection on a 24-hour basis



### Enhance Motor Carrier Safety

- Additional motor carrier safety assistance program (MCSAP) funding has been authorized for ND
- Add two sworn MCSAP troopers for a total of 17 statewide
- Add four UAVs to assist with commercial motor vehicle inspections and enforcement
- Improve lighting and signage at scale facilities

## WORKFORCE SALARY, RECRUITMENT & RETENTION FACTORS

7th Place in Top Pay Among ND Law Enforcement Agencies

High Education and Training Requirements

Lengthy Hiring & Background Process

Unpredictable & Dangerous Profession

Negative Portrayals and Attitudes Toward Law Enforcement

Variable Post Locations & Specialized Duties

159 Authorized Sworn Officers with 91 Traffic Enforcement Troopers

Half of Troopers Have 10 Years or Less

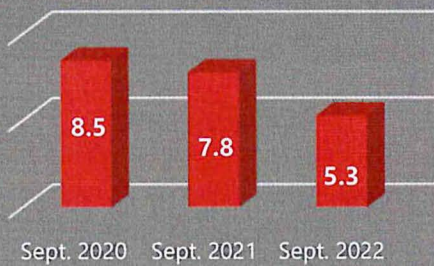
Only 3% of Peace Officers who Changed Jobs Went to the NDHP

Average Vacancy Rate: 6.1/Month

10% Reduction in Workforce – from 215 in 2015 to 193 FTEs Today

23 of 53 Counties without a Trooper

### Qualified Trooper Applicants Per Opening



ND POPULATION

2013  
723,149

2022  
779,261

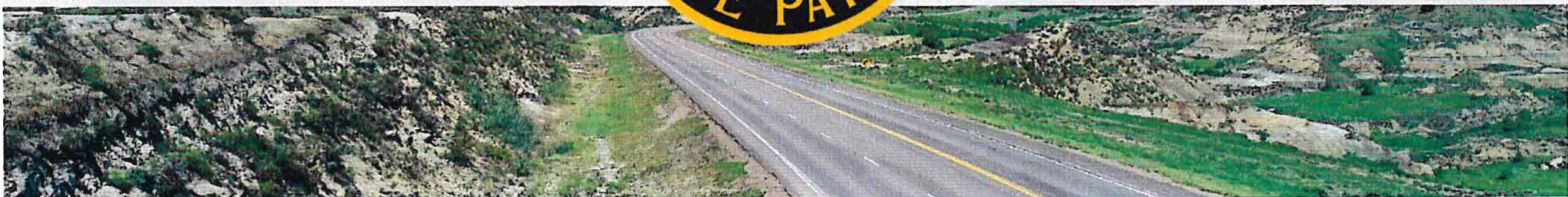
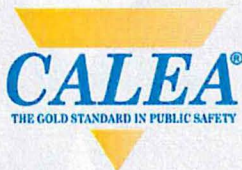
10 Yr. Growth  
7.2%

NDHP STAFFING

2013 Auth. Sworn  
168

2022 Auth. Sworn  
159

10 Yr. Change  
-5.7%





**HB 1011**  
**House Appropriations Committee**  
**Government Operations Division**  
**Chairman David Monson**  
**January 19, 2023**

Chairman Monson and members of the Committee, my name is Andrea Pfennig, and I am writing to you on behalf of the the North Dakota Motor Carriers Association (NDMCA), **in support** of HB 1011.

Safety is a priority to the trucking industry and the North Dakota Highway Patrol is an important partner to our organization in these efforts. Specifically we ask you to support the budget requests that relate to the Motor Carrier Safety Assistance Program (MCSAP.)

NDMCA thanks the Committee for your consideration and urges a **do pass** recommendation.



68<sup>th</sup> Legislative Assembly

Testimony in Support of

**House Bill No. 1011**

House Appropriations Committee

Government Operations Division

January 19, 2023

TESTIMONY OF

**Colonel Brandon Solberg, Superintendent**

### **Highway Patrol PERS Plan**

The highway patrol plan is not unique in the PERS system. Currently, PERS oversees the following plans:

- Main
- Judicial
- Job Service
- Public Safety (Peace Officers, Firefighters, National Guard Security Officers)
- State Law Enforcement (Bureau of Criminal Investigation)
- Highway Patrol

PERS service credits may also be earned in the North Dakota Teacher's Fund for Retirement and the Teachers Insurance and Annuity Association.

### ***Multiplier***

There are other multipliers in place such as the judicial retirement plan which is 3.5% for the first 10 years, 2.8% for the second years, then 1.25% for any years over 20.

During this legislative session, BCI is requesting a multiplier increase for their plan from 1.75% to 3% for the first 25 years then 1.75% thereafter (HB 1309) while remaining in the social security system.

### ***Social Security Credit***

Of all the plans under PERS, the highway patrol is the only plan in which members do not participate in social security. NDCC 39-03.1-27 covers the legislative intent of the highway patrol plan and states, "...because of the increase in state contributions... the members of such system shall not obligate the state to additional payments for federal social security benefits..."

Not participating in social security results in a combined 12.4% contribution savings (6.2% for the employer and 6.2% for the employee). The downside is that highway patrol members do not earn any social security credit and will not get the benefits of social security's annual cost of living adjustments. For example, social security benefits increased 8.7% in 2023 and 5.9% in 2022.

The highway patrol plan has no cost-of-living adjustment, and that's the number one issue expressed by retirees who are drawing from the system. Past and present employees acknowledge that the highway patrol retirement plan is excellent, but it doesn't take long for benefit levels in retirement to be impacted by inflation.

### **PERS Plan Comparison**

The chart below compares contribution rates and other information for state employees participating in various PERS plans.

<b>PERS Plans - As of January 2025</b>	<b>Main</b>	<b>Public Safety</b>	<b>Highway Patrol</b>	<b>Judicial</b>
Employee PERS Contribution*	3	1.5	11.3	4
Employee Social Security Cont.	6.2	6.2	0	6.2
<b>Total Employee Contribution</b>	<b>9.2</b>	<b>7.7</b>	<b>11.3</b>	<b>10.2</b>
Employer PERS Contribution*	12.26	11.93	25.7	21.52
Employer Social Security Cont.	6.2	6.2	0	6.2
Medicare	1.45	1.45	1.45	1.45
Health Insurance Credit	0	1.14	1.14	1.14
<b>Total Employer Contribution</b>	<b>19.91</b>	<b>20.72</b>	<b>28.29</b>	<b>30.31</b>
<b>Total Combined Contribution</b>	<b>29.11</b>	<b>28.42</b>	<b>39.59</b>	<b>40.51</b>
<b>Vesting</b>	<b>3 yrs, age 65</b>	<b>3 years</b>	<b>10 years</b>	<b>5 years</b>
<b>Early Retirement Age</b>	<b>60</b>	<b>50</b>	<b>50</b>	<b>55</b>
<b>Normal Retirement Age</b>	<b>Rule of 90, age 65</b>	<b>Rule of 85, age 55</b>	<b>Rule of 80, age 55</b>	<b>Rule of 85 - age 65</b>
<b>Benefit Formula</b>	<b>1.75%</b>	<b>1.75%</b>	<b>3.6% 1-25 then 1.75%</b>	<b>3.5% 1-10, 2.8% 11-20, then 1.25%</b>
<b>Early Retirement Reduction</b>	<b>8%/year</b>	<b>6%/year</b>	<b>6%/year</b>	<b>6%/year</b>

*\*Factoring 4% of employee contribution is covered by the employer.*

If a political subdivision participating in social security was in the main plan and wanted to join the highway patrol plan, there would be substantial employee and employer contribution increases in addition to any one-time transfer expenses.

<b>PERS Plans - As of January 2025</b>	<b>Main</b>	<b>Highway Patrol</b>	<b>Difference</b>
Employee PERS Contribution	7	11.3	4.30%
Employee Social Security Contribution	6.2	6.2	
<b>Total Employee Contribution</b>	<b>13.2</b>	<b>17.5</b>	<b>4.30%</b>
Employer PERS Contribution	8.26	25.7	17.44%
Employer Social Security Contribution	6.2	6.2	
Medicare	1.45	1.45	
Health Insurance Credit	1.14	1.14	
<b>Total Employer Contribution</b>	<b>17.05</b>	<b>34.49</b>	<b>17.44%</b>
<b>Total Combined Contribution</b>	<b>30.25</b>	<b>51.99</b>	<b>21.74%</b>
<b>Vesting</b>	<b>3 years</b>	<b>10 years</b>	<b>7 years</b>

## ***Highway Patrol Fund Status***

The highway patrol's PERS fund is projected to become insolvent based on the most recent actuarial report from October of 2022. The funded ratio is currently around 70% and is projected to be around 40% in 40 years.

The highway patrol fund experienced a contribution rate increase during the 2021 legislative session which was 0.5% employee and employer increases on January 1 of 2022 through 2025 for a total of 4%. The highway patrol is requesting \$390,142 in ongoing funds to cover the employer increases which means that employees have "skin in the game" with a similar increase.

Even after factoring those increases, the most recent actuarial report indicated the fund is 16% below the "actuarially required rate" for monthly contributions.

## ***Proposed Recommendations***

There are several options to consider to get the highway patrol plan back on a path to solvency.

- A cash infusion which would match a strategy for the main plan.
  - A potential source to explore is the motor carrier electronic permit fund with a projected ending balance of \$7.6 million this biennium.
- Authorization to transfer appropriated employer contributions for all sworn officers including vacant positions.
  - Historical vacancy rate: 5-6 troopers/month
- An employer contribution increase which would match a strategy for the public safety plan as authorized by the PERS Board.

By January of 2025, sworn officers working for the highway patrol will be contributing over 11% of their monthly pay into the PERS plan.



## Motor Carrier Electronic Permit Transaction Fund

Electronic Motor Carrier Permit Fund (276)	
<b>2021-23 Starting Cash Balance</b>	<b>\$ 8,261,657.26</b>
Total 2021-23 Projected Revenues	\$ 2,544,460.00
Total 2021-23 projected appropriated expenses (position costs)	\$ (1,218,244.00)
Total 2021-23 <b>projected</b> ongoing appropriated expenses (system costs)	\$ (451,321.00)
Total 2021-23 one-time expenses	\$ (1,508,931.05)
<b>2021-23 Projected ending cash balance</b>	<b>\$ 7,627,621.21</b>
<b>2019-21 Starting Cash Balance</b>	<b>\$ 9,246,807.08</b>
Total 2019-21 Projected Revenues	\$ 2,517,402.60
Total 2019-21 projected appropriated expenses (position costs)	\$ (1,357,039.33)
Total 2019-21 <b>projected</b> ongoing appropriated expenses (system costs)	\$ (463,577.80)
Total 2019-21 one-time expenses	\$ (1,681,935.29)
<b>2019-21 ending cash balance</b>	<b>\$ 8,261,657.26</b>
<b>2017-19 Starting Cash Balance</b>	<b>\$ 7,779,015.01</b>
Total 2017-19 Projected Revenues	\$ 3,106,406.80
Total 2017-19 projected appropriated expenses (position costs)	\$ (1,221,788.95)
Total 2017-19 <b>projected</b> ongoing appropriated expenses (system costs)	\$ (416,825.78)
Total 2017-19 one-time expenses	\$ -
<b>2017-19 ending cash balance</b>	<b>\$ 9,246,807.08</b>

### Ongoing Appropriation Expenses:

- In the 2017-19 biennium, the NDHP was given ongoing appropriation to utilize the fund for permit staff salaries and administrative assistant salaries.
- In the 2019-21 biennium, the NDHP was given ongoing appropriation to utilize the fund for the purchase of body armor, taser cartridges, and AED pad replacements (\$163,066).
- In the 2021-23 biennium, the NDHP was given ongoing appropriation to convert two administrative assistant and one permit technician positions to one records management and two crash assistant program positions.
- In the 2021-23 biennium, the NDHP was given ongoing appropriation of \$19,550 for the state share of CVIEW maintenance costs.

### One-Time Expenses:

- In the 2019-21 biennium, the NDHP was given one-time appropriation for the construction of a classroom addition onto the indoor range facility (\$1,729,100).
- In the 2019-21 biennium, the NDHP was given one time appropriation for the purchase of UAV's (\$96,000).

- In the 2021-23 biennium, the NDHP was given one time appropriation for the purchase of new hard body armor which is on a 5-year replacement cycle (\$265,000).
- In the 2021-23 biennium, the NDHP was given one time funding for body and in-car video cameras (\$1,158,000).

### **Sworn Officer Priority List**

Twenty-seven sworn officers were requested by the highway patrol. These were all specialized positions rather than traffic enforcement positions, but some of the specialized roles would free up time for traffic troopers.

The sworn officers were requested based on the following priorities:

1. Backfill the five-member criminal interdiction team created in 2021
2. Two officers to enhance security/protection duties and investigate threats
3. Five officers for the criminal interdiction team to cover the NW/NE regions
4. Two officers to enhance high-risk training for all peace officers statewide
5. One officer to conduct criminal investigations on state property
6. Two size and weight enforcement officers to increase from six to eight total
7. One planning officer for strategic planning, tech research, and visioning
8. One dedicated recruiter to build relationships and locate quality candidates
9. Two safety and education officers for community outreach statewide
10. One additional officer dedicated to crash analysis and reconstruction
11. One statewide coordinator for DRE and field sobriety testing programs
12. Four additional Motor Carrier Safety Assistance Program (MCSAP) officers

Fifteen (15) officers were approved in the executive budget recommendation:

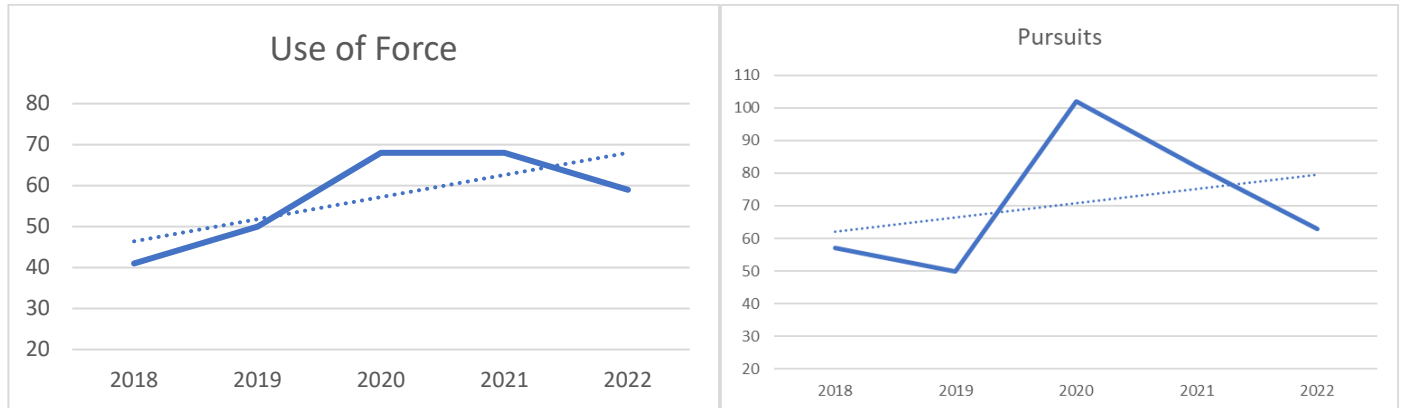
- Ten (10) officers for the criminal interdiction team (5 backfill, 5 new)
- Two (2) officers for security and protection
- One (1) statewide DRE/SFST coordinator (100% NHTSA funded)
- Two (2) MCSAP officers (95% federal and 5% state for eligible expenses)

If two additional MCSAP officers were approved, they would likely be stationed in Williston and Bismarck.

### **Use of Force and Pursuit Incidents**

The highway patrol noticed an increase in use of force and pursuit incidents in 2020 and numbers have gradually started to come back down.

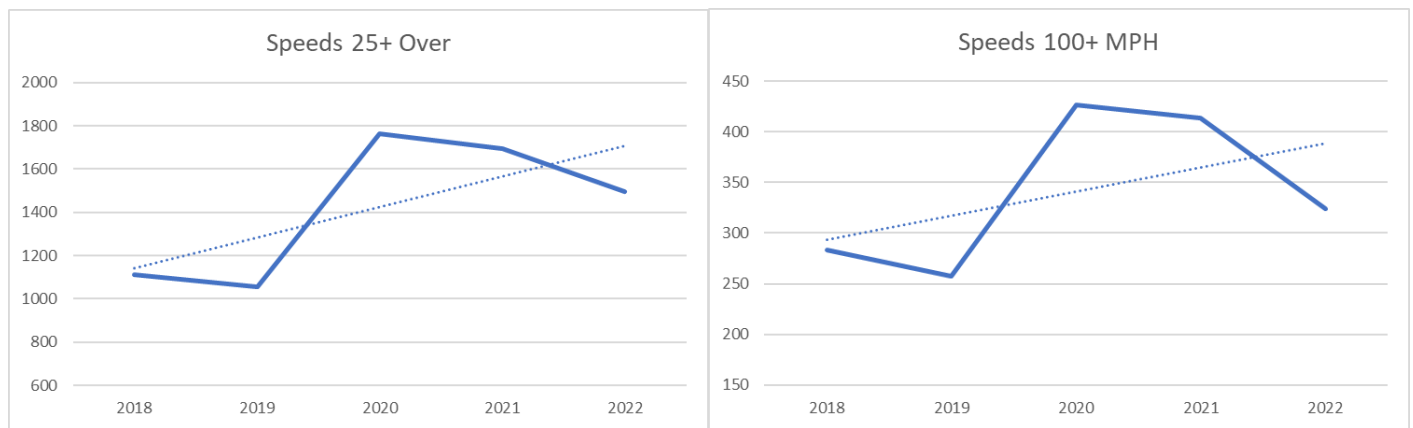
If a trooper codes an incident as a use of force, it indicates that the officer had to use a higher level of force such as a takedown, a knee strike, or a Taser to take a violent or resistive subject into custody.



### High-Speed Violations

The highway patrol noticed an increase in high-speed violations in 2020 as well. High speeds and fleeing vehicles were common issues among many states.

The highest speed cited by the highway patrol in 2022 was 150 mph on Highway 46.



### Highway Patrol Vehicle Types

The highway patrol owns 14 vehicles that are used for pursuit intervention technique training at the driving pad.

The highway patrol leases 175 vehicles from DOT fleet services:

- 85 Ford Police Interceptor Utility
- 54 Chevrolet Tahoe
- 26 Ford F-250
- 10 Dodge Charger

## **State Fleet Insurance**

All state fleet services vehicles (including NDHP vehicles) are covered for liability under the North Dakota Risk Management fund. Previous commentary discussed the North Dakota Insurance Reserve Fund (NDIRF) which is similar coverage as the risk management fund but is for cities and counties. North Dakota Risk Management operates pursuant to NDCC 32-12.2.

When a highway patrol vehicle is damaged and there is a responsible 3<sup>rd</sup> party, NDDOT will pursue a claim for damages. In the event a highway patrol vehicle is damaged and there is no 3<sup>rd</sup> party involvement, the repair and/or replacement costs are realized in the state fleet rate. The majority of NDHP vehicles are in group 7. A select few vehicles that are not used in a law enforcement capacity are assigned to the NDHP from other groups.

## **Highway Patrol Asset Forfeiture Fund**

The highway patrol's asset forfeiture fund is explained in NDCC 39-03-18:

- Deposits may not exceed \$300,000 within a biennium.
- Any deposits in excess of \$300,000 must be deposited in the general fund.
- The fund is a continuing appropriation for the following:
  - Expenses related to securing/selling seized property
  - Drug-related overtime compensation
  - Equipment for criminal interdiction
  - Drug-related matching grant funds
- The superintendent and director of OMB must personally approve all requests for use of the fund.

	Asset Forfeiture Revenues Received	Asset Forfeiture Amounts Expended	Revenue Over(Under) Expenses (Cash Bal)	Asset Forfeiture Fund Balance
2009-2011 Biennium	18,751.29	0.00	18,751.29	18,751.29
2011-2013 Biennium	58,955.94	0.00	58,955.94	58,955.94
2013-2015 Biennium	211,957.44	(278,600.00)	(66,642.56)	11,064.67
2015-2017 Biennium	154,166.40	(18,000.00)	136,166.40	147,231.07
2017-2019 Biennium	23,709.60	(136,915.81)	(113,206.21)	34,024.86
2019-2021 Biennium	19,079.55	(6,039.34)	13,040.21	47,065.07
2021-2023 Biennium	18,689.40	0.00	18,689.40	65,754.47
<b>Totals</b>	<b>505,309.62</b>	<b>(439,555.15)</b>	<b>65,754.47</b>	

Total Revenues	\$505,309.62
Total Expenditures	(439,555.15)
Current Fund (Cash) Balance	<u>\$65,754.47</u>

NDCC 19-03.1-36 governs forfeitures, and NDCC 19-03.1-36.8 requires that law enforcement agencies notify the attorney general’s office about every civil asset forfeiture that is \$50 or greater in value. The attorney general then submits an annual summary to legislative management and the governor.

Previous purchases out of the asset forfeiture fund include rifles, canines, and training uniforms.

### **Fargo Regional Office Garage Addition**

In preparation for budget reductions during the 2021-23 biennium, the highway patrol moved out of regional office space in Bismarck and Fargo and into office space owned by DOT.

This resulted in substantial cost-savings because DOT agreed to charge the highway patrol no rent for office space in Dickinson, Bismarck, and Fargo. The total savings was \$454,000 for the biennium which included the following:

- Fargo office - \$137,000
- Bismarck office - \$287,000

Unfortunately, the available space in Fargo turned out to be less than originally projected, and our agency does not have sufficient storage or garage space.

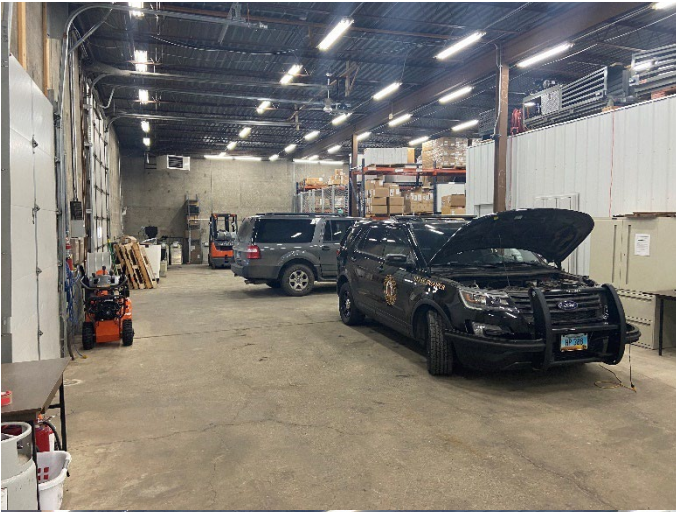
A preliminary estimate received in March of 2022 showed the cost to construct a 1,323 square foot garage addition onto the Fargo NDDOT building at \$722,700 or \$546.25/sq ft.



### **Bismarck Warehouse**

The current leased space that the NDHP has is 7,462 square feet and the current rate is \$7.32 per square foot. We are requesting funding to lease the other half of the building which approximately the same square footage and is currently available for rent. Additional space is needed for the following reasons:

- Ability to pre-purchase equipment based on availability due to supply chain issues
- Ability to store critical emergency response equipment and vehicles in a controlled setting
- Ability to store equipment in a manner allowing easier access





## **Evidence Destruction Guidelines**

Late in 2018 the Highway Patrol, Department of Environmental Quality, and Bureau of Criminal Investigation began discussions to come up with a solution and guidance for law enforcement agencies to use for the destruction of evidence in the safest manner with the least environmental impact.

Prior to the discussions, evidence disposal in North Dakota was inconsistent across law enforcement agencies around the state. The process brought together individuals from the solid waste program, air quality, law enforcement, and landfills. One of the driving factors of seeking a standardized method of destruction was the fact that an incinerator available in the eastern part of ND became unavailable.

Through the process, it was learned that incineration is not the desired method to destroy evidence and there are no incinerators in the state permitted to safely destroy evidence.

A memo dated January 28, 2022, was sent by the Division of Waste Management to all law enforcement agencies and municipal solid waste landfills that provided methods of destruction which are approved by North Dakota's Department of Environmental Quality for evidence including alcohol, animal carcasses, various drugs, infectious waste, vehicle parts, and weapons.

## **Handheld Narcotic Tester**

Correction to prior testimony: The one-time cost of \$60,000 would be for **two** narcotic handheld testing devices rather than one.



The international drug problem is increasing, with trafficking of methamphetamines, heroin, and emerging threats like fentanyl and carfentanil impacting communities worldwide, to include communities across North Dakota. Our officers need to quickly identify suspected narcotics in the field to help keep drugs and suppliers off the streets. Being able to identify an unknown substance is crucial evidence to help develop probable cause and make an arrest.

The TruNarc Handheld Narcotics Analyzer enables officers to scan more than 498 suspected controlled substances in a single, definitive test. With these machines, officers can scan suspected narcotics in the packaging, without having to directly handle them. This significantly lowers officer risk of exposure.

### **Body Armor Donations**

The highway patrol and several other North Dakota law enforcement agencies donated expired body armor to support Ukraine. A letter from the President of Ukraine Rises dated September 9, 2022, thanked our agency for our “incredibly generous donation of much-needed personal protective equipment for Ukraine.”

The letter stated, “We have received your most recent shipment of life-saving gear in our Houston warehouse and will forward it to Ukraine immediately upon receipt of the necessary export license.”

The highway patrol donated 483 ballistic helmets, plates, and panels and coordinated the gathering and packaging of all law enforcement donations.

### **Ammunition Cost Savings**

An e-mail from June of 2016 indicated that transitioning from .357 to 9mm ammunition would save an estimated \$18,000 per biennium. Shortly after, the highway patrol completed a procurement process and purchased 9mm firearms.

Currently, ammunition of any type is difficult to obtain, but 9mm is more available than .357. The ammunition vendors on state contract don't specify an exact price but rather list “20% over cost.” This is likely due to ongoing price fluctuations and availability.

**Highway Patrol - Budget No. 504  
House Bill No. 1011  
Base Level Funding Changes**

	Executive Budget Recommendation				House Version			
	FTE Positions	General Fund	Other Funds	Total	FTE Positions	General Fund	Other Funds	Total
<b>2023-25 Biennium Base Level</b>	193.00	\$36,327,762	\$25,785,652	\$62,113,414	193.00	\$36,327,762	\$25,785,652	\$62,113,414
<b>2023-25 Ongoing Funding Changes</b>								
Base payroll and budget changes		\$460,502	\$227,861	\$688,363				\$0
Salary increase		2,453,942	855,161	3,309,103				0
Health insurance increase		713,640	261,884	975,524				0
Retirement increase - Highway Patrol retirement fund		335,523	54,620	390,143				0
Adjust COVID-19 salary funding		6,966,000	(6,966,000)	0				0
Backfill criminal interdiction troopers	5.00	1,221,557	198,859	1,420,416				0
Additional criminal interdiction troopers	5.00	1,221,560	198,860	1,420,420				0
Capitol Security troopers	2.00	489,066	79,104	568,170				0
Drug recognition trooper	1.00		284,082	284,082				0
Motor carrier troopers	2.00	33,708	640,650	674,358				0
Lease rate increase		106,000	17,000	123,000				0
Additional warehouse space		106,000	17,000	123,000				0
New Capitol space rent model		74,274		74,274				0
Unmanned aerial vehicle enhancements		1,000		1,000				0
Technology enhancements		226,000	36,000	262,000				0
Recruitment and advertising initiative		43,000	7,000	50,000				0
<b>Total ongoing funding changes</b>	<b>15.00</b>	<b>\$14,451,772</b>	<b>(\$4,087,919)</b>	<b>\$10,363,853</b>	<b>0.00</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**One-Time Funding Items**

New trooper one-time costs		\$228,000	\$37,000	\$265,000					\$0
State Fleet mileage increase		1,706,000	336,000	2,042,000					0
Inflationary increases		448,000	72,000	520,000					0
Narcotics tester		52,000	8,000	60,000					0
Unmanned aerial vehicle enhancements - One-time		89,000	15,000	104,000					0
Motor carrier program enhancements		23,000	404,000	427,000					0
Technology enhancements - One-time		244,200	39,000	283,200					0
Fargo garage addition		622,000	100,000	722,000					0
Total one-time funding changes	0.00	\$3,412,200	\$1,011,000	\$4,423,200	0.00	\$0	\$0	\$0	\$0
<b>Total Changes to Base Level Funding</b>	15.00	\$17,863,972	(\$3,076,919)	\$14,787,053	0.00	\$0	\$0	\$0	\$0
<b>2023-25 Total Funding</b>	208.00	\$54,191,734	\$22,708,733	\$76,900,467	193.00	\$36,327,762	\$25,785,652	\$62,113,414	
<i>Federal funds included in other funds</i>			\$9,270,174				\$14,714,627		
<i>Total ongoing changes as a percentage of base level</i>	7.8%	39.8%	(15.9%)	16.7%	0.0%	0.0%	0.0%	0.0%	0.0%
<i>Total changes as a percentage of base level</i>	7.8%	49.2%	(11.9%)	23.8%	0.0%	0.0%	0.0%	0.0%	0.0%

**Other Sections in Highway Patrol - Budget No. 504**

	<u>Executive Budget Recommendation</u>	<u>House Version</u>
Highway tax distribution fund	Section 3 would provide for \$11,989,604 of special funds from the highway tax distribution fund to be used for Highway Patrol operations.	
Motor carrier electronic permit fund	Section 4 would provide for \$1,448,955 of special funds from the motor carrier electronic permit fund to be used for Highway Patrol operations.	
Highway Patrol officer per diem	Section 5 would provide for Highway Patrol officer per diem of \$200 per month during the 2023-25 biennium, the same as provided during the 2021-23 biennium. The per diem payments are in lieu of reimbursement for meals and other expenses while in travel status within the state.	

**Highway Patrol - Budget No. 504**  
**House Bill No. 1011**  
**Base Level Funding Changes**

	Executive Budget Recommendation				House Version			
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<b>2023-25 Ongoing Funding Changes</b>								
Base payroll and budget changes		\$460,502	\$227,861	\$688,363		\$460,502	\$227,861	\$688,363
Salary increase		2,453,942	855,161	3,309,103		1,942,145	642,199	2,584,344
Health insurance increase		713,640	261,884	975,524		730,057	267,908	997,965
Retirement increase - Highway Patrol retirement fund		335,523	54,620	390,143		335,523	54,620	390,143
Adjust COVID-19 salary funding		6,966,000	(6,966,000)	0		6,966,000	(6,966,000)	0
Backfill criminal interdiction troopers	5.00	1,221,557	198,859	1,420,416	5.00	1,221,557	198,859	1,420,416
Additional criminal interdiction troopers	5.00	1,221,560	198,860	1,420,420				0
Capitol Security troopers	2.00	489,066	79,104	568,170				0
Drug recognition trooper	1.00		284,082	284,082				0
Motor carrier troopers	2.00	33,708	640,650	674,358				0
Lease rate increase		106,000	17,000	123,000				0
Additional warehouse space		106,000	17,000	123,000				0
New Capitol space rent model		74,274		74,274				0
Unmanned aerial vehicle enhancements		1,000		1,000				0
Technology enhancements		226,000	36,000	262,000				0
Recruitment and advertising initiative		43,000	7,000	50,000				0
<b>Total ongoing funding changes</b>	<b>15.00</b>	<b>\$14,451,772</b>	<b>(\$4,087,919)</b>	<b>\$10,363,853</b>	<b>5.00</b>	<b>\$11,655,784</b>	<b>(\$5,574,553)</b>	<b>\$6,081,231</b>

**One-Time Funding Items**

New trooper one-time costs	\$228,000	\$37,000	\$265,000					\$0
State Fleet mileage increase	1,706,000	336,000	2,042,000					0
Inflationary increases	448,000	72,000	520,000					0
Narcotics tester	52,000	8,000	60,000					0
Unmanned aerial vehicle enhancements - One-time	89,000	15,000	104,000					0
Motor carrier program enhancements	23,000	404,000	427,000					0
Technology enhancements - One-time	244,200	39,000	283,200					0
Fargo garage addition	622,000	100,000	722,000					0
Total one-time funding changes	0.00	\$3,412,200	\$1,011,000	\$4,423,200	0.00	\$0	\$0	\$0
<b>Total Changes to Base Level Funding</b>	15.00	\$17,863,972	(\$3,076,919)	\$14,787,053	5.00	\$11,655,784	(\$5,574,553)	\$6,081,231
<b>2023-25 Total Funding</b>	208.00	\$54,191,734	\$22,708,733	\$76,900,467	198.00	\$47,983,546	\$20,211,099	\$68,194,645
<i>Federal funds included in other funds</i>			\$9,270,174				\$7,788,052	
<i>Total ongoing changes as a percentage of base level</i>	7.8%	39.8%	(15.9%)	16.7%	2.6%	32.1%	(21.6%)	9.8%
<i>Total changes as a percentage of base level</i>	7.8%	49.2%	(11.9%)	23.8%	2.6%	32.1%	(21.6%)	9.8%

**Other Sections in Highway Patrol - Budget No. 504**

	<b>Executive Budget Recommendation</b>	<b>House Version</b>
Highway tax distribution fund	Section 3 would provide for \$11,989,604 of special funds from the highway tax distribution fund to be used for Highway Patrol operations.	
Motor carrier electronic permit fund	Section 4 would provide for \$1,448,955 of special funds from the motor carrier electronic permit fund to be used for Highway Patrol operations.	
Highway Patrol officer per diem	Section 5 would provide for Highway Patrol officer per diem of \$200 per month during the 2023-25 biennium, the same as provided during the 2021-23 biennium. The per diem payments are in lieu of reimbursement for meals and other expenses while in travel status within the state.	



68<sup>th</sup> Legislative Assembly

Testimony in Support of

**House Bill No. 1011**

House Appropriations Committee

Government Operations Division

February 7, 2023

TESTIMONY OF

**Colonel Brandon Solberg, Superintendent**

**Criminal Interdiction Team Justification**

Overdose deaths are now exceeding traffic fatalities in North Dakota, and the supply of lethal drugs like fentanyl are being transported up and down our state’s highways.

State troopers are in a unique position to interrupt this supply network, but dedicated resources are needed to cover around 14,000 miles of paved roads in our state.

Every highway patrol agency in our bordering states have over two dozen officers dedicated to criminal interdiction. Up until this biennium, our agency had no dedicated officers.

The executive budget recommendation would backfill five post locations that were closed to start our agency’s first criminal interdiction team. Five additional officers would allow the team to expand into the northwest and northeast regions.

These northern regions include three tribal nations that are requesting law enforcement assistance due to the drug trafficking trends and harmful outcomes.

**Security & Protection Team Justification**

During the 2021 legislative session, the highway patrol turned back two non-sworn capitol security positions in order to meet the executive budget guidelines.

These two positions were not restored and have reduced the level of service provided to the public officials, state team members, and visitors at the capitol.

At one point the highway patrol had two full-time sworn officers assigned to capitol security, but 13 sworn officer positions have been removed from the highway patrol’s budget since 2017 so remaining positions have been re-prioritized over time.

## **FTE Cost Breakdown**

The cost breakdowns for the 15 positions included in the executive budget recommendation are below:

- **Five (5) Criminal Interdiction Team Members – Backfill**
  - \$1,420,420 ongoing state funding at \$284,084 per position
    - 86% General: \$1,221,560
    - 14% Highway Tax Distribution Fund: \$198,860
  - \$265,000 one-time at \$53,000 per position for initial equipment
    - 86% General: \$228,000
    - 14% Highway Tax Distribution Fund: \$37,000
  
- **Five (5) Criminal Interdiction Team Members – New**
  - \$1,420,420 ongoing state funding at \$284,084 per position
    - 86% General: \$1,221,560
    - 14% Highway Tax Distribution Fund: \$198,860
  - \$265,000 one-time at \$53,000 per position for initial equipment expenses
    - *NOTE: One-time cost inadvertently omitted in initial request.*
    - 86% General: \$228,000
    - 14% Highway Tax Distribution Fund: \$37,000
  
- **Two (2) Security & Protection Officers**
  - \$568,170 ongoing state funding at \$284,085 per position
    - 86% General: \$489,066
    - 14% Highway Tax Distribution Fund: \$79,104
  - \$106,000 one-time at \$53,000 per position for initial equipment
    - *NOTE: One-time cost inadvertently omitted in initial request.*
    - 86% General: \$91,160
    - 14% Highway Tax Distribution Fund: \$14,840
  
- **One (1) Statewide Drug Recognition Expert (DRE) Program Coordinator**
  - \$284,082 ongoing federal spending authority
    - 100% National Highway Traffic Safety Administration funding
  - \$53,000 in one time state equipment costs
    - *NOTE: One-time cost inadvertently omitted in initial request.*
    - 86% General: \$45,580
    - 14% Highway Tax Distribution Fund: \$7,420

- **Two (2) Motor Carrier Safety Assistance Program (MCSAP) Officers**
  - \$674,358 ongoing federal spending authority and state funding
    - Federal MCSAP funding at a 95/5% match for eligible hours
    - Current estimate is that 75% of time will be MCSAP-eligible
  - Projected ongoing estimate using 75% of time with 95/5% split:
    - 71.25% Federal: \$480,480
    - State Funds: \$193,888
      - 86% General: \$166,735
      - 14% Highway Tax Distribution Fund: \$27,153
  - \$106,000 one-time at \$53,000 per position for initial equipment
    - *NOTE: One-time cost inadvertently omitted in initial request.*
  - Projected one-time estimate using 75% of time with 95/5% split:
    - 71.25% Federal: \$75,525
    - State Funds: \$30,475
      - 86% General: \$26,209
      - 14% Highway Tax Distribution Fund: \$4,266

### **Appropriation Consideration Details**

- **Base Budget Limit Adjustments**
  - \$173,840 for NDIT rate increases
  - \$358,926 for costs to continue salaries
- **One-Time Equipment Costs**
  - \$53,000 for one-time costs for new sworn officer positions
- **Salary Adjustments**
  - \$117,830 for two of the criminal interdiction team members who would be supervisors with a higher salary
  - \$200 monthly per diem for new sworn officer positions
  - On-call pay of 1/5 time based on authorized salary increases

### **Bill Section Considerations**

- **Highway Patrol PERS Fund Infusion**
  - Motor carrier electronic permit fund transfer authority if an infusion such as \$3 million is approved



- ***E-Share Federal Spending Authority***

- NDCC change to allow the highway patrol to receive and use federal asset forfeiture funds under an equitable sharing (e-share) agreement
- Draft language pending legal review

- ***CVIEW Project Carry-Over***

- Commercial Vehicle Information Exchange Window project is MCSAP-funded at 100%
- NDIT relayed that the project will not be completed this biennium
- \$300,000 in federal spending authority
  - \$232,500 carry-over from the 2021-23 biennium
  - Estimated NDIT project management costs for the 2023-25 biennium

23.0240.01001  
Title.

Prepared by the Legislative Council staff for  
the House Appropriations - Government  
Operations Division Committee

Fiscal No. 1

February 8, 2023

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1011

Page 1, replace lines 9 through 15 with:

"	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Highway patrol	\$62,113,414	\$11,715,136	\$73,828,550
Total all funds	\$62,113,414	\$11,715,136	\$73,828,550
Less estimated income	<u>25,785,652</u>	<u>(3,668,019)</u>	<u>22,117,633</u>
Total general fund	\$36,327,762	\$15,383,155	\$51,710,917
Full-time equivalent positions	193.00	9.00	202.00"

Page 1, line 16, after "FUNDING" insert "- EFFECT ON BASE BUDGET - REPORT TO SIXTY-NINTH LEGISLATIVE ASSEMBLY"

Page 1, line 17, after "biennium" insert "and the one-time funding items included in the appropriation in section 1 of this Act"

Page 1, replace lines 23 and 24 with:

"Law enforcement radios	2,612,000	0
New trooper startup costs	0	477,000
Inflationary increases	0	2,562,000
Narcotics tester	0	60,000
Unmanned aerial vehicle program	0	104,000
Motor carrier program	0	427,000
Technology enhancements	0	170,000
Shooting range repairs	<u>0</u>	<u>200,000</u>
Total all funds	\$7,310,000	\$4,000,000
Less estimated income	<u>7,310,000</u>	<u>1,157,956</u>
Total general fund	\$0	\$2,842,044

The 2023-25 biennium one-time funding amounts are not a part of the entity's base budget for the 2025-27 biennium. The highway patrol shall report to the appropriations committees of the sixty-ninth legislative assembly on the use of this one-time funding for the biennium beginning July 1, 2023, and ending June 30, 2025."

Page 2, line 2, replace "\$9,346,781" with "\$11,575,949"

Page 2, line 9, replace "\$1,724,244" with "\$1,648,955"

Page 2, after line 11, insert:

**"SECTION 5. TRANSFER - MOTOR CARRIER ELECTRONIC PERMIT FUND TO NORTH DAKOTA HIGHWAY PATROLMEN'S RETIREMENT FUND.** The office of management and budget shall transfer the sum of \$2,000,000 from the motor carrier electronic permit fund to the North Dakota highway patrolmen's retirement fund for the purpose of reducing the unfunded liability of the North Dakota highway patrolmen's retirement plan during the biennium beginning July 1, 2023, and ending June 30, 2025."

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

**House Bill No. 1011 - Highway Patrol - House Action**

	<b>Base Budget</b>	<b>House Changes</b>	<b>House Version</b>
Highway patrol	\$62,113,414	\$11,715,136	\$73,828,550
Total all funds	\$62,113,414	\$11,715,136	\$73,828,550
Less estimated income	25,785,652	(3,668,019)	22,117,633
General fund	\$36,327,762	\$15,383,155	\$51,710,917
FTE	193.00	9.00	202.00

**Department 504 - Highway Patrol - Detail of House Changes**

	<b>Adjusts Funding for Base Payroll and Budget Changes<sup>1</sup></b>	<b>Adds Funding for Salary and Benefit Increases<sup>2</sup></b>	<b>Adjusts COVID-19 Funding<sup>3</sup></b>	<b>Adds FTE Trooper Positions<sup>4</sup></b>	<b>Adds Operating Funding<sup>5</sup></b>	<b>Adds Funding for Technology Enhancements<sup>6</sup></b>
Highway patrol	\$688,363	\$3,866,239		\$3,145,760	\$358,774	\$303,000
Total all funds	\$688,363	\$3,866,239	\$0	\$3,145,760	\$358,774	\$303,000
Less estimated income	227,861	963,236	(6,966,000)	990,214	39,250	42,420
General fund	\$460,502	\$2,903,003	\$6,966,000	\$2,155,546	\$319,524	\$260,580
FTE	0.00	0.00	0.00	9.00	0.00	0.00

	<b>Adds One-Time Funding for Unmanned Aerial Vehicles<sup>7</sup></b>	<b>Adds One-Time Funding for Inflationary Increases<sup>8</sup></b>	<b>Adds One-Time Funding for Narcotics Tester<sup>9</sup></b>	<b>Adds One-Time Funding for Motor Carrier Program<sup>10</sup></b>	<b>Adds One-Time Funding for Shooting Range Repairs<sup>11</sup></b>	<b>Total House Changes</b>
Highway patrol	\$104,000	\$2,562,000	\$60,000	\$427,000	\$200,000	\$11,715,136
Total all funds	\$104,000	\$2,562,000	\$60,000	\$427,000	\$200,000	\$11,715,136
Less estimated income	15,000	408,000	8,000	404,000	200,000	(3,668,019)
General fund	\$89,000	\$2,154,000	\$52,000	\$23,000	\$0	\$15,383,155
FTE	0.00	0.00	0.00	0.00	0.00	9.00

<sup>1</sup> Funding is adjusted for base payroll and budget changes.

<sup>2</sup> The following funding is added for 2023-25 biennium salary adjustments of 4 percent on July 1, 2023, and 4 percent on July 1, 2024, and increases in health insurance premiums from \$1,429 to \$1,648 per month:

	<b>General Fund</b>	<b>Other Funds</b>	<b>Total</b>
Salary increase	\$1,837,423	\$640,708	\$2,478,131
Health insurance increase	730,057	267,908	997,965
Total	\$2,567,480	\$908,616	\$3,476,096

Funding is also added from the general fund (\$335,523) and highway tax distribution fund (\$54,620) for increased employer contributions to the Highway Patrolmen's retirement fund approved by the Legislative Assembly in 2021.

<sup>3</sup> Funding is restored for general fund and special fund salaries paid from federal COVID-19 relief funds during the 2021-23 biennium.

<sup>4</sup> Funding is added for the following FTE trooper positions:

	<u>FTE Positions</u>	<u>General Fund</u>	<u>Other Funds</u>	<u>Total</u>
Backfill criminal interdiction troopers	5.00	\$1,272,224	\$207,107	\$1,479,331
Additional criminal interdiction troopers	2.00	488,624	79,544	568,168
Drug recognition trooper	1.00		284,082	284,082
Motor carrier trooper	<u>1.00</u>	<u>16,854</u>	<u>320,325</u>	<u>337,179</u>
Total	9.00	\$1,777,702	\$891,058	\$2,668,760

One-time funding of \$477,000 for equipment costs for the new positions is also added from the general fund (\$377,844) and other funds (\$99,156).

<sup>5</sup> Operating funding is added for the following purposes:

	<u>General Fund</u>	<u>Other Funds</u>	<u>Total</u>
Office lease increase	\$106,000	\$17,000	\$123,000
Warehouse space increase	106,000	17,000	123,000
New Capitol space rent model	74,274		74,274
Unmanned aerial vehicle license	1,000		1,000
Recruitment and advertising	<u>32,250</u>	<u>5,250</u>	<u>37,500</u>
Total	\$319,524	\$39,250	\$358,774

<sup>6</sup> Ongoing (\$133,000) and one-time (\$170,000) funding is added for enhancements to various software programs.

<sup>7</sup> One-time funding is added for enhancements to the agency's unmanned aerial vehicle program.

<sup>8</sup> One-time funding is added for inflationary increases including state fleet rates (\$2,042,000) and other supplies and equipment (\$520,000).

<sup>9</sup> One-time funding is added for a handheld narcotics tester.

<sup>10</sup> One-time funding is added for motor carrier safety program enhancements.

<sup>11</sup> One-time funding is added from the motor carrier electronic permit fund for a targeting system upgrade at the agency's shooting range.

23.0240.01001

Sixty-eighth  
Legislative Assembly  
of North Dakota

**HOUSE BILL NO. 1011**

Introduced by

Appropriations Committee

1 A BILL for an Act to provide an appropriation for defraying the expenses of the highway patrol;  
2 and to provide for a transfer.

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

4 **SECTION 1. APPROPRIATION.** The funds provided in this section, or so much of the funds  
5 as may be necessary, are appropriated out of any moneys in the general fund in the state  
6 treasury, not otherwise appropriated, and from special funds derived from federal funds and  
7 other income, to the highway patrol for the purpose of defraying the expenses of the highway  
8 patrol, for the biennium beginning July 1, 2023, and ending June 30, 2025, as follows:

	<u>Governor's</u>		
	<u>Base Level</u>	<u>Recommendation</u>	<u>Appropriation</u>
Highway patrol	\$62,113,414	\$76,900,467	\$62,113,414
Total all funds	\$62,113,414	\$76,900,467	\$62,113,414
Less estimated income	25,785,652	22,708,733	25,785,652
Total general fund	\$36,327,762	\$54,191,734	\$36,327,762
Full-time equivalent positions	193.00	208.00	193.00
	<u>Adjustments or</u>		
	<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>
Highway patrol	\$62,113,414	\$11,715,136	\$73,828,550
Total all funds	\$62,113,414	\$11,715,136	\$73,828,550
Less estimated income	25,785,652	(3,668,019)	22,117,633
Total general fund	\$36,327,762	\$15,383,155	\$51,710,917
Full-time equivalent positions	193.00	9.00	202.00

23 **SECTION 2. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO**

24 **SIXTY-NINTH LEGISLATIVE ASSEMBLY.** The following amounts reflect the one-time funding

1 items approved by the sixty-seventh legislative assembly for the 2021-23 biennium and the  
2 one-time funding items included in the appropriation in section 1 of this Act:

3	<u>One-Time Funding Description</u>	<u>2021-23</u>	<u>2023-25</u>
4	Commercial motor carrier system	\$275,000	\$0
5	Hard body armor	265,000	0
6	Body and in-car cameras	1,158,000	0
7	Training academy remodel	3,000,000	0
8	<del>Law enforcement radios</del>	<del>2,612,000</del>	<del>0</del>
9	<del>Total other funds</del>	<del>\$7,310,000</del>	<del>\$0</del>
10	<u>Law enforcement radios</u>	<u>2,612,000</u>	<u>0</u>
11	<u>New trooper startup costs</u>	<u>0</u>	<u>477,000</u>
12	<u>Inflationary increases</u>	<u>0</u>	<u>2,562,000</u>
13	<u>Narcotics tester</u>	<u>0</u>	<u>60,000</u>
14	<u>Unmanned aerial vehicle program</u>	<u>0</u>	<u>104,000</u>
15	<u>Motor carrier program</u>	<u>0</u>	<u>427,000</u>
16	<u>Technology enhancements</u>	<u>0</u>	<u>170,000</u>
17	<u>Shooting range repairs</u>	<u>0</u>	<u>200,000</u>
18	<u>Total all funds</u>	<u>\$7,310,000</u>	<u>\$4,000,000</u>
19	<u>Less estimated income</u>	<u>7,310,000</u>	<u>1,157,956</u>
20	<u>Total general fund</u>	<u>\$0</u>	<u>\$2,842,044</u>

21 The 2023-25 biennium one-time funding amounts are not a part of the entity's base budget  
22 for the 2025-27 biennium. The highway patrol shall report to the appropriations committees of  
23 the sixty-ninth legislative assembly on the use of this one-time funding for the biennium  
24 beginning July 1, 2023, and ending June 30, 2025.

25 **SECTION 3. ESTIMATED INCOME - TRANSFER - HIGHWAY TAX DISTRIBUTION FUND.**

26 The estimated income line item in section 1 of this Act includes the sum of  
27 ~~\$9,346,784~~ \$11,575,949, or so much of the sum as may be necessary, from the state highway  
28 tax distribution fund which may be transferred at the direction of the superintendent of the  
29 highway patrol for defraying the expenses of the highway patrol during the biennium beginning  
30 July 1, 2023, and ending June 30, 2025.

1       **SECTION 4. ESTIMATED INCOME - MOTOR CARRIER ELECTRONIC PERMIT**

2       **TRANSACTION FUND.** The estimated income line item in section 1 of this Act includes  
3       ~~\$1,724,244~~ \$1,648,955 from the motor carrier electronic permit transaction fund for defraying  
4       various expenses associated with the issuance of permits and other nonenforcement motor  
5       carrier and administrative activities.

6       **SECTION 5. TRANSFER - MOTOR CARRIER ELECTRONIC PERMIT FUND TO NORTH**

7       **DAKOTA HIGHWAY PATROLMEN'S RETIREMENT FUND.** The office of management and  
8       budget shall transfer the sum of \$2,000,000 from the motor carrier electronic permit fund to the  
9       North Dakota highway patrolmen's retirement fund for the purpose of reducing the unfunded  
10      liability of the North Dakota highway patrolmen's retirement plan during the biennium beginning  
11      July 1, 2023, and ending June 30, 2025.

12      **SECTION 6. PAYMENTS TO HIGHWAY PATROL OFFICERS.** Each patrol officer of the  
13      state highway patrol is entitled to receive from funds appropriated in section 1 of this Act an  
14      amount not to exceed \$200 per month for the biennium beginning July 1, 2023, and ending  
15      June 30, 2025. The payments are in lieu of reimbursement for meals and other expenses,  
16      except lodging, while in travel status within the state of North Dakota or while at the patrol  
17      officers' respective home stations. The amounts must be paid at the time and in the same  
18      manner as salaries are paid to members of the highway patrol and may be paid without the  
19      presentation of receipts or other memorandums.

23.0240.01001  
Title.

Prepared by the Legislative Council staff for  
the House Appropriations - Government  
Operations Division Committee  
February 8, 2023

Fiscal No. 1

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1011

Page 1, replace lines 9 through 15 with:

"	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Highway patrol	\$62,113,414	\$11,715,136	\$73,828,550
Total all funds	\$62,113,414	\$11,715,136	\$73,828,550
Less estimated income	<u>25,785,652</u>	<u>(3,668,019)</u>	<u>22,117,633</u>
Total general fund	\$36,327,762	\$15,383,155	\$51,710,917
Full-time equivalent positions	193.00	9.00	202.00"

Page 1, line 16, after "FUNDING" insert "- EFFECT ON BASE BUDGET - REPORT TO SIXTY-NINTH LEGISLATIVE ASSEMBLY"

Page 1, line 17, after "biennium" insert "and the one-time funding items included in the appropriation in section 1 of this Act"

Page 1, replace lines 23 and 24 with:

"Law enforcement radios	2,612,000	0
New trooper startup costs	0	477,000
Inflationary increases	0	2,562,000
Narcotics tester	0	60,000
Unmanned aerial vehicle program	0	104,000
Motor carrier program	0	427,000
Technology enhancements	0	170,000
Shooting range repairs	<u>0</u>	<u>200,000</u>
Total all funds	\$7,310,000	\$4,000,000
Less estimated income	<u>7,310,000</u>	<u>1,157,956</u>
Total general fund	\$0	\$2,842,044

The 2023-25 biennium one-time funding amounts are not a part of the entity's base budget for the 2025-27 biennium. The highway patrol shall report to the appropriations committees of the sixty-ninth legislative assembly on the use of this one-time funding for the biennium beginning July 1, 2023, and ending June 30, 2025."

Page 2, line 2, replace "\$9,346,781" with "\$11,575,949"

Page 2, line 9, replace "\$1,724,244" with "\$1,648,955"

Page 2, after line 11, insert:

**"SECTION 5. TRANSFER - MOTOR CARRIER ELECTRONIC PERMIT FUND TO NORTH DAKOTA HIGHWAY PATROLMEN'S RETIREMENT FUND.** The office of management and budget shall transfer the sum of \$2,000,000 from the motor carrier electronic permit fund to the North Dakota highway patrolmen's retirement fund for the purpose of reducing the unfunded liability of the North Dakota highway patrolmen's retirement plan during the biennium beginning July 1, 2023, and ending June 30, 2025."



Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

**House Bill No. 1011 - Highway Patrol - House Action**

	<b>Base Budget</b>	<b>House Changes</b>	<b>House Version</b>
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General fund	\$36,327,762	\$15,383,155	\$51,710,917
FTE	193.00	9.00	202.00

**Department 504 - Highway Patrol - Detail of House Changes**

	<b>Adjusts Funding for Base Payroll and Budget Changes<sup>1</sup></b>	<b>Adds Funding for Salary and Benefit Increases<sup>2</sup></b>	<b>Adjusts COVID-19 Funding<sup>3</sup></b>	<b>Adds FTE Trooper Positions<sup>4</sup></b>	<b>Adds Operating Funding<sup>5</sup></b>	<b>Adds Funding for Technology Enhancements<sup>6</sup></b>
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	<b>Adds One-Time Funding for Unmanned Aerial Vehicles<sup>7</sup></b>	<b>Adds One-Time Funding for Inflationary Increases<sup>8</sup></b>	<b>Adds One-Time Funding for Narcotics Tester<sup>9</sup></b>	<b>Adds One-Time Funding for Motor Carrier Program<sup>10</sup></b>	<b>Adds One-Time Funding for Shooting Range Repairs<sup>11</sup></b>	<b>Total House Changes</b>
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Total all funds	\$104,000	\$2,562,000	\$60,000	\$427,000	\$200,000	\$11,715,136
Less estimated income	15,000	408,000	8,000	404,000	200,000	(3,668,019)
General fund	\$89,000	\$2,154,000	\$52,000	\$23,000	\$0	\$15,383,155
FTE	0.00	0.00	0.00	0.00	0.00	9.00

<sup>1</sup> Funding is adjusted for base payroll and budget changes.

<sup>2</sup> The following funding is added for 2023-25 biennium salary adjustments of 4 percent on July 1, 2023, and 4 percent on July 1, 2024, and increases in health insurance premiums from \$1,429 to \$1,648 per month:

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Recruitment and advertising	<u>32,250</u>	<u>5,250</u>	<u>37,500</u>
Total	\$319,524	\$39,250	\$358,774

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<sup>10</sup> One-time funding is added for motor carrier safety program enhancements.

<sup>11</sup> One-time funding is added from the motor carrier electronic permit fund for a targeting system upgrade at the agency's shooting range.



**HB 1011**  
**Senate Appropriations Committee**  
**Education & Environment Division**  
**Chairman Ron Sorvaag**  
**March 7, 2023**

Mr. Chairman and members of the Committee, my name is Andrea Pfennig, and I am writing to you on behalf of the the North Dakota Motor Carriers Association (NDMCA), **in support** of HB 1011.

Safety is a priority to the trucking industry and the North Dakota Highway Patrol is an important partner to our organization in these efforts. Specifically, we ask you to support the budget requests that relate to the Motor Carrier Safety Assistance Program (MCSAP.)

NDMCA thanks the Committee for your consideration and urges a **do pass** recommendation.



## Golden Valley County Sheriff's Office

150 First Avenue Southeast  
Post Office Box 67  
Beach, North Dakota 58621-0067  
Phone 701-872-4733 | Fax 701-872-3485  
goldenvalleycosheriff@midstate.net

Chairman Sorvaag and members of the Senate Education and Environment Division,

My name is Dey Muckle, and I am the Sheriff of Golden Valley County. I am reaching out to you in support of HB 1011, which addresses the funding of the North Dakota Highway Patrol. Golden Valley County is located in the southwest part of the State, and is the fourth smallest County in the State by population. My Sheriffs Office has four POST certified officers, including myself. Golden Valley County contains 21.5 miles of Interstate 94, which is the main basis for this letter of support.

During times of severe inclement weather, it is not uncommon for the Golden Valley County Sheriffs Office to have multiple calls for service on Interstate 94. Those calls mainly consist of motorists assists calls for vehicles that have left the roadway, but also include different degrees of motor vehicle crashes, traffic hazard calls for vehicles stuck on the roadway, and stranded motorists. With an increase of drivers failing to use common sense while travelling, calls for service during severe inclement weather have begun to overwhelm my Department. Being a small, rural Sheriffs Office, there is usually only one person on duty at a time. During the multiple blizzards of 2022, I had to call on the Highway Patrol for assistance, as we were not able to keep up with the emergency calls on Interstate 94. This took an already limited number of Troopers for our region, and divided them even more. At times, I had most of my Department on Interstate 94 responding to calls, plus I had to go as far as using the Beach Fire Department to respond to motorist assists, and assist with traffic coordination as we closed Interstate 94.

I am in full support of the Highway Patrol's request for 15 additional Troopers, as in my opinion, the field operations side of Highway Patrol is significantly under staffed. The Highway Patrol has always done their best to provide assistance when requested, however, during widespread weather events, the calls for service outnumber them too, forcing the Troopers to put calls in pending, until they can be responded to. I believe that the Highway Patrol could easily justify more Troopers than the 15 that they are requesting, but I appreciate them being conservative, and seeing where 15 gets them.

Thank you,

Dey Muckle  
Sheriff, Golden Valley County  
North Dakota



68<sup>th</sup> Legislative Assembly

Testimony in Support of

**House Bill No. 1011**

Senate Appropriations Committee  
Education and Environment Division

March 8, 2023

TESTIMONY OF

**Colonel Brandon Solberg, Superintendent**

## **Introduction**

Good afternoon, Mr. Chairman and members of the Senate Education and Environment Division. My name is Brandon Solberg, and I serve as the superintendent of the North Dakota Highway Patrol (NDHP).

The highway patrol was founded in 1935, and the agency's primary statutory authority and responsibility comes from North Dakota Century Code Chapter 39-03. The highway patrol is comprised of two major components: field operations and administration. Field operations consists of four geographical regions and motor carrier operations. Administration consists of the administrative services division, the support services division, and finance.

Our emphasis as an agency has been on public safety through education and enforcement activities. Educating motorists to make the right decision is preferred over having to take enforcement action but enforcing traffic and criminal laws remains our primary function. Educating the public and trying to prevent crashes and traffic violations from ever occurring is a continual cycle. Every day that the department of transportation is open, a batch of new drivers hits the road. If troopers are called to a crash or make a traffic stop, then it's too late – a violation already occurred – so we continue to explore ways to dedicate more time and energy to prevention efforts.

The highway patrol's primary focus is traffic safety, and there continues to be three major contributing factors to serious injury and fatality crashes. Those are speeding, not wearing a seatbelt, and driving impaired. If we could eliminate those three violations, we'd save a lot of lives. Speeding alone is a contributing factor in approximately  $\frac{1}{4}$  of all fatality crashes, but it's such a common violation that many don't recognize the true danger of it. Distracted driving continues to be an issue as well, but it's a more difficult violation to identify, especially after a crash occurs.

The highway patrol fully supports the Vision Zero initiative because reducing crashes and unnecessary injuries and deaths on our roadways has been the agency's goal since 1935. In addition to traffic safety, the highway patrol assists local law enforcement agencies with emergencies and calls for service, especially when resources are limited. Many law enforcement agencies in North Dakota are smaller, and peace officers work together and help each other out regardless of the color of their uniform.

North Dakota has the opportunity to become the safest state in the nation. Most of us who reside here feel safe in our communities, and it's one of the reasons people choose to live in North Dakota. Maintaining a sense of safety wouldn't be possible without solid partnerships between federal, state, tribal, and local law enforcement agencies, and the highway patrol is grateful for all the first responders and dispatchers who work toward a shared goal of providing public safety.

The highway patrol's mission is to make a difference every day by providing high quality law enforcement services to keep North Dakota safe and secure. If you were to ask our employees for one word that summarizes the agency, many of them would say professionalism. Our past and present employees are respected in their communities, and we are fortunate to have strong public support. We're committed to enhancing that public trust by being transparent and continually searching for opportunities to strengthen our relationships with stakeholders even further.

The citizens of North Dakota count on our employees to be responsive and proactive. Our employees enforce traffic laws, investigate crashes, provide safety presentations, help stranded motorists, and assist other agencies and community members during times of crisis. Our employees take pride in performing their duties and serving the citizens of this great state. Our officers are proud to wear the uniform of a North Dakota state trooper, and I appreciate the courage and commitment displayed by our entire team.

## **Current Biennium Accomplishments**

- Signed law enforcement mutual aid agreements with MHA and Spirit Lake Nations to clear up jurisdictional complexities
- Implemented an unmanned aerial vehicle (UAV) program with UAVs available statewide for crash investigation and search & rescue operations
- The NDHP, DOT, DES, and Parks & Rec received the Roaming Bison Award for a combined response to the historic spring storm in April of 2022
- Received 11<sup>th</sup> accreditation award from the Commission on Accreditation for Law Enforcement Agencies – accredited since 1989
- Started a two-member crash assistance program with team members stationed in Fargo and Bismarck
- Hosted four opioid roundtables in Bismarck, Minot, Grand Forks, and Fargo with 94 public and private partners in attendance
- Started a five-member criminal interdiction team with troopers stationed in Fargo and Bismarck
- Conducted the first American Governors' Border Strike Force detail in partnership with the State & Local Intelligence Center and the Bureau of Criminal Investigation which resulted in the seizure of 51.6 pounds of illicit drugs in a short one-week period
- Actively working toward a more inclusive and diverse workforce and culture
  - Signed 30x30 initiative which is a nationwide goal to reach 30% women in law enforcement by the year 2030
  - Hosted first Midwest Women in Law Enforcement conference in Fargo
  - Submitted SB 2054 to update the term “patrolman” to “trooper”
- Grew agency’s Facebook page to over 77,000 followers, Twitter account to over 4,900 followers, and Instagram account to over 2,900 followers
- Raised nearly \$14,000 during Nail Polish/No Shave November events for St. Jude’s in 2021 and 2022
- Continued to operate the North Dakota Law Enforcement Training Academy and trained 128 new officers from ND law enforcement agencies and an additional 48 officers transferring into our state through the reciprocity course.
- Partnered with ND Department of Health & Human Services on a pilot project to identify culturally appropriate mental health providers for officer wellness

## Agency Workload

The highway patrol is comprised of 159 sworn officers and 34 non-sworn professional services team members. Of those sworn officers, 39 are supervisors and 29 are in specialized roles leaving 91 core traffic enforcement troopers to patrol the state's 70,762 square miles. State troopers cover approximately 80% of all serious injury and fatality crashes and approximately 20% of all other crashes.

	2021	2022
Road Patrol Hours	116,294	96,505
Traffic Stops	71,575	63,133
Traffic Citations	67,663	56,286
Warnings	42,215	43,027
Crashes Investigated	1,725	2,347
Criminal Arrests	5,929	5,512
Safety Talks	295	361
Motor Carrier Permits Issued	149,009	148,194
Assist Other Government Agency	3,149	3,161
Calls for Service	14,941	13,108
Total CAD Incidents	98,075	95,979
DUI Arrests	1,062	1,016
Drug-Related Arrests	1,758	1,700
Weapon Offenses	64	66
Motorist Assists/Abandoned Vehicles	7,714	12,367
Crash Investigation On-Scene Hours	3,763	4,309
Crash Investigation Follow-up Hours	2,386	2,862
Crash Reconstruction Hours	2,502	3,000
Overloads	1,080	942



## **Audit Findings**

### **Finding 2020-01**

#### **Condition: Terminated Employees Could Bypass Capitol Security**

#### **Recommendation:**

- **Perform monitoring procedures by routinely reconciling terminated employees to access within systems that control building security and disable access for terminated employees; or,**
- **Coordinate with human resource agencies to automate, if possible, building access for employees according to employment status.**

### ***Highway Patrol Response/Corrective Action Plan***

#### **Response:**

We agree with the finding. Agencies are currently directed under OMB Policy 108 to collect cards upon termination (end of employment). We do not have reason to believe that this isn't consistently being done. The NDHP will, however, clarify communications to agencies ensuring they notify NDHP Security to deactivate the ID card access of terminated employees in a timely manner. We will enhance our current internal control process by collaborating with OMB to explore possibilities within personnel records to build a better method of reconciling ID card access based on current employment status.

#### **Corrective Action:**

- Update the human resource process and communicate to agencies that use key access on the capitol complex. ServiceNow is the required method for agencies to notify the NDHP within 10 days (or sooner) of termination of employment.
- The NDHP will utilize OMB employment status records to reconcile requests as a failsafe measure.
- NDIT has a request for Security Expert software in their budget to enhance the current software package used for the electronic card access system.

## **Finding 2020-02**

### **Condition: Contractors Could Bypass Capitol Security**

#### **Recommendation:**

- **Consistently limit or automate expiration of building access for one year or less for non-employees and require agencies to renew access requests annually.**
- **Provide guidance to agencies to limit contractor access to contract needs for routine access with a maximum of the contracted period of services.**
- **Implement a required field on the Access Card Authorization Request form be used to identify when contractor access is to be revoked.**

### ***Highway Patrol Response/Corrective Action Plan***

#### Response:

We agree with the finding. The NDHP agrees to implement procedures to terminate access for individuals working under a specific contract in conjunction with the contract end date. We will also seek a process to ensure regular validation of employees of companies who are not under a state contract and currently doing regular business at the Capitol (ie. USPS, Fed-Ex, UPS).

Following the issuance of the final audit report, the NDHP will form an internal audit review committee to address each issue, identify possible solutions, and implement an action plan.

#### Corrective Action:

- Requests for contractor access through ServiceNow require an expiration date and state contract number to be added when requesting key access. Agencies are required to collect the card at the expiration date or end of the contract work period and notify the highway patrol to deactivate access.
- Contractor cards expire after one year unless the contract period is shorter in duration.
- NDIT has a request for Security Expert software in their budget to enhance the current software package used for the electronic card access system.

## Status of One-Time Projects

Project	Appropriation	Fund	Completion
Hard body armor	\$265,000	Permit Fund (276)	100%
Body and in-car cameras	\$1,158,000	Permit Fund (276)	95%
CVIEW	\$275,000	Permit Fund (276)	50%
LETA remodel	\$3,000,000	Fiscal Recovery Fund	25%

- Hard body armor replacement
  - \$265,000 – Motor Carrier Electronic Permit Transaction Fund
  - This project is 100% complete
- Body and in-car camera purchase
  - Total project cost - \$1,458,000
  - \$1,158,000 – Motor Carrier Electronic Permit Transaction Fund
  - NHTSA grant funds - \$300,000
  - Installs are 100% complete, project is 95% complete
  - Additional download needs in rural areas
  - Minor equipment adjustments
- Commercial Vehicle Information Exchange Window
  - \$275,000 Federal and Permit Funding
  - Top level design document complete (Phase 1)
  - Currently in procurement process to select the CVIEW software package
- Law Enforcement Training Academy (LETA) Remodel
  - \$3,000,000 – Federal Funds - State Fiscal Recovery Fund
  - Design work has been completed
  - Project has been bid
  - Contractor has been selected
  - Remodel work to begin early 2023
- Statewide Interoperability Radio Network (SIRN) Radios
  - \$2,612,000 – Federal Funds – State Fiscal Recovery Fund
  - Mobile and portable radios have been purchased
  - Initial test installs to begin in early adopter areas of Bismarck, Grand Forks and Williston early in 2023

## Executive Budget Comparison – Total Budget

The base level budget for the highway patrol is \$62,113,414.

<b>Funding Source</b>	<b>2021-23 Appropriation</b>	<b>2023-25 Request</b>	<b>2023-25 Executive</b>
General Funds	\$36,327,762	\$53,924,128	\$54,191,734
Special Funds	\$12,494,025	\$12,687,538	\$13,438,559
Federal Funds	\$17,989,627	\$9,210,092	\$9,270,174
<b>Total</b>	<b>\$66,811,414</b>	<b>\$75,821,758</b>	<b>\$76,900,467</b>

## Removal of One-Time Appropriations

- Hard body armor - \$265,000
- Body and in-vehicle cameras – \$1,158,000
- Commercial Vehicle Information Exchange Window (CVIEW) - \$275,000
- LETA remodel project - \$3,000,000
- Remove and replace CRF salary funding – \$8,100,000

## Agency Collections

The highway patrol deposits collections into the following funds:

<b>Fund</b>	<b>2021-23 Collections (Est.)*</b>	<b>2023-25 Collections (Est.)*</b>
Permit Fund (276)	\$2,544,000	\$2,544,000
Highway Fund (200)	\$22,588,000	\$22,588,000
ID Card Fund (471)	\$2,000	\$2,000
HTDF Fuel Tax (400)	\$155,000	\$155,000
Misc. Gen Rev. (001)	\$30,000	\$0
<b>Total</b>	<b>\$25,319,000</b>	<b>\$25,319,000</b>

*\*Estimates based on biennium to date collections as of November 30, 2022:*

- Collections from fund 276 e-permit fees - \$1,802,326
- Hwy Fund 200 overload fees - \$15,999,653
- ID card processing fund 471 fees - \$1,510

## Optional Adjustment Requests

The following optional requests were submitted during the executive budgeting process, including the one-time costs already discussed:

Optional Request	Amount	Executive Budget Status	House Version
<b>STATE FUNDS</b>			
NDPERS Contribution 2021-23 <ul style="list-style-type: none"> <li>• 0.5% employer contribution increases effective 1/1/22 and 1/1/23</li> <li>• <b>Ongoing</b></li> </ul>	\$129,622	Included	Included
State Fleet Increase <ul style="list-style-type: none"> <li>• \$0.94 operating/depreciation; \$0.05 replacement; total \$0.99/mile</li> <li>• General - \$1,706,000</li> <li>• Federal - \$60,000</li> <li>• Special - \$276,000</li> <li>• Ongoing request; approved as <b>one-time</b></li> </ul>	\$2,042,000	Included	Included
Lease Rate Increase <ul style="list-style-type: none"> <li>• Various lease rate adjustments</li> <li>• Regional offices, hangar, HQ</li> <li>• <b>Ongoing</b></li> </ul>	\$123,000	Included	Included
Sworn Officer Positions <ul style="list-style-type: none"> <li>• Approximately \$284,082 each</li> <li>• Backfill five criminal interdiction team members - \$1,685,416 (\$1,420,416 <b>ongoing</b>; \$265,000 <b>one-time</b>)</li> <li>• Add five criminal interdiction team members for the NW/NE - \$1,420,420 (<b>ongoing</b>)</li> <li>• Add two officers to enhance security and protection duties - \$568,170 (<b>ongoing</b>)</li> </ul>	\$3,674,006	Included	Partial – three criminal interdiction team members and two security/protection officers removed (-\$1,420,422)  NOTE: \$58,915 was added by the House to cover the costs of one supervisor

<b>Information Technology</b> <ul style="list-style-type: none"> <li>• Learning management software - \$105,000 (\$70,000 <b>ongoing</b>; \$35,000 <b>one-time</b>)</li> <li>• Academy management software - \$122,000 (\$50,000 <b>ongoing</b>; \$72,000 <b>one-time</b>)</li> <li>• Field training officer software - \$15,200 (\$9,000 <b>ongoing</b>; \$6,200 <b>one-time</b>)</li> <li>• Video/digital photo storage - \$118,000 (\$103,000 <b>ongoing</b>; \$15,000 <b>one-time</b>)</li> <li>• Records management system (RMS) program updates - \$80,000 (<b>one-time</b>)</li> <li>• RMS/daily activity maintenance - \$25,000 (<b>ongoing</b>)</li> <li>• Daily activity software - \$10,000 (<b>one-time</b>)</li> <li>• States attorney portal interface - \$55,000 (\$5,000 <b>ongoing</b>; \$50,000 <b>one-time</b>)</li> <li>• Dashboard research/analytics - \$15,000 (<b>one-time</b>)</li> </ul>	\$545,200	Included	Partial – learning/academy management and FTO software removed (-\$129,000)
<b>Equipment</b> <ul style="list-style-type: none"> <li>• UAV program enhancement - \$105,000 (\$1,000 <b>ongoing</b>; \$104,000 <b>one-time</b>)</li> <li>• Narcotic handheld testing device - \$60,000 (<b>one-time</b>)</li> </ul>	\$165,000	Included	Included
<b>Inflationary Increases</b> <ul style="list-style-type: none"> <li>• Uniforms - \$58,000 (<b>one-time</b>)</li> <li>• Ammunition - \$46,000 (<b>one-time</b>)</li> <li>• Equipment - \$370,000 (<b>one-time</b>)</li> <li>• Travel - \$46,000 (<b>one-time</b>)</li> </ul>	\$520,000	Included	Included
<b>Recruitment and Advertising</b> <ul style="list-style-type: none"> <li>• \$50,000 (<b>ongoing</b>)</li> </ul>	\$50,000	Included	Partial – 25% of request removed (-\$12,500)
<b>Additional Warehouse Space</b> <ul style="list-style-type: none"> <li>• <b>Ongoing</b></li> </ul>	\$123,000	Included	Included

Garage Addition – Fargo Regional Office at DOT • <b>One-time</b>	\$722,000	Included	Removed (-\$722,000)
Additional Sworn Officers at \$284,082 Each • Two training officers • One state property criminal investigator • Two size and weight enforcement officers • One strategic planning officer • One recruiter • Two safety and education officers • One crash reconstructionist	\$2,840,820	<b>Not Included</b>	<b>N/A</b>
<b>FEDERAL FUNDS</b>			
Statewide DRE Coordinator • Drug recognition expert (DRE) and standardized field sobriety testing programs • NHTSA-funded (100% federal funding) • <b>Ongoing</b>	\$284,082	Included	Included
Motor Carrier Troopers • Four additional Motor Carrier Safety Assistance Program officers - \$1,348,716 • MCSAP-funded (95% federal funding for eligible hours and expenses) • <b>Ongoing</b>	\$1,348,716	Partial – two MCSAP removed (-\$674,358)	Partial – one additional MCSAP removed (-\$337,179)
Commercial Motor Vehicle (CMV) Equipment • Crash reconstruction equipment - \$35,000 ( <b>one-time</b> ) • UAVs for CMV inspections - \$100,000 ( <b>one-time</b> ) • Scale signage and lighting - \$150,000 ( <b>one-time</b> )	\$285,000	Included	Included
Upper Great Plains Traffic Institute Crash Analysis • <b>One-time</b>	\$92,000	Included	Included

Aries and Aspen Bridge • <b>One-time</b>	\$50,000	Included	Included
CMV Automated License Plate Readers	\$160,000	<b>Not Included</b>	<b>N/A</b>

**Executive Budget Comparison – Full-Time Equivalent Positions**

<b>FTEs</b>	<b>2021-23 Appropriation</b>	<b>2023-25 Request</b>	<b>2023-25 Executive</b>
Sworn Officers	159	186	174
Civilian Positions	34	34	34
<b>Total</b>	<b>193</b>	<b>220</b>	<b>208</b>

- Included:
  - Backfill five criminal interdiction team members - \$1,685,416
  - Add five criminal interdiction team members for the NW/NE - \$1,420,420
  - Add two officers to enhance security and protection duties - \$568,170
- Not included:
  - Two training officers
  - One state property criminal investigator
  - Two size and weight enforcement officers
  - One strategic planning officer
  - One recruiter
  - Two safety and education officers
  - One crash reconstructionist

**Additional Appropriation Considerations**

Currently, the highway patrol has three sections listed in our appropriations bill that we'd ask for your consideration to carry over into next biennium. The first is a transfer of highway tax distribution funds totaling approximately 14% of our appropriation. A transfer of \$11,989,604 in highway tax distribution funds was included in the executive budget.



The second section is related to a transfer of special funds from the motor carrier electronic permit transaction fund. This fund has been used to cover expenses related to the online permits system in addition to expenses for permits office staff, field administrative assistants and crash assistance program members. The requested amount from the permits fund would be \$1,448,955. This amount was included in the executive budget.

The third section is related to an unvouchered expense of \$200 per month that is provided to sworn officers in lieu of processing individual reimbursement requests for expenses such as meals and lodging while officers are traveling in-state. This expense has been authorized for decades, and the current level of \$200 has been in place since the 2009 legislative session. This amount was included in the executive budget.

Additional considerations include the following base budget limit adjustments that were factored into the executive budget recommendation:

- 2023-25 PERS employer contributions - \$260,520
  - Two 0.5% employer increases on January 1 of 2024 and 2025
- \$8,100,000 to replace coronavirus relief funding during the 2021-23 biennium for sworn officer salaries
  - \$6,966,000 in general funds
  - \$1,134,000 in special funds

The highway patrol is also requesting consideration for the following budget submission corrections due to our error:

- One-time equipment costs for 10 of the sworn officer positions included in the executive budget were inadvertently omitted
  - Only five sworn officers were funded appropriately for one-time costs
  - \$53,000/officer = \$530,000 total
  - \$369,198 general; \$100,700 federal; \$60,102 special funds (**one-time**)
- Two of the criminal interdiction team members are supervisors
  - Inadvertently entered at trooper salary level
  - Additional biennial sergeant salary = \$58,915 each or \$117,830 total
  - \$101,344 general; \$16,496 special (**ongoing**)
- Unvouchered expenses were inadvertently left out
  - \$200/month/officer is the current rate
  - 13 new non-supervisory positions = \$62,400 total
  - \$53,412 general; \$8,988 special (**ongoing**)

- Total requested correction: \$710,230
  - General funds - \$523,944
  - Special funds - \$100,700
  - Federal funds - \$85,586

## **Agency-Related Bills**

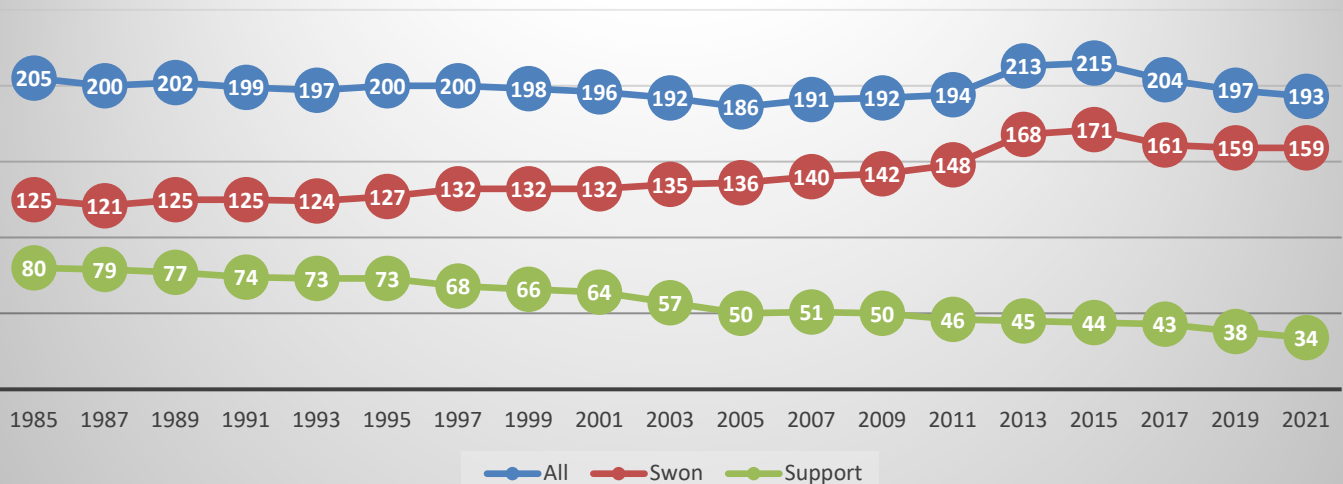
- **Senate Bill 2053**
  - Changes the terms “patrolman” to “trooper” and “accident” to “crash”
  - Passed Senate, with the House Transportation Committee
  - No budgetary impact
- **Senate Bill 2054**
  - Clarifies NDHP dignitary protection duties and card access responsibilities
  - Passed the Senate and House
  - No budgetary impact
- **Senate Bill 2120**
  - Clarifies that overweight vehicle fees apply to non-interstate highways
  - Passed the Senate and House
  - No budgetary impact
- **House Bill 1060**
  - Adds monthly and annual commercial motor vehicle permit options
  - Passed the House and Senate
  - No budgetary impact
- **House Bill 1061**
  - Clarifies the right-of-way at stop sign intersections and that window damage that impairs a driver’s view is a violation
  - Passed House, with Senate Transportation Committee
  - No budgetary impact
- **Senate Bill 2015**
  - Adds equity and performance-based pay for state agencies
  - \$1.16 million in equity identified for the NDHP

## **Workforce Issues**

- 7<sup>th</sup> place in top pay among law enforcement agencies in ND
  - Used to be one of the most competitive
- High education and training requirements

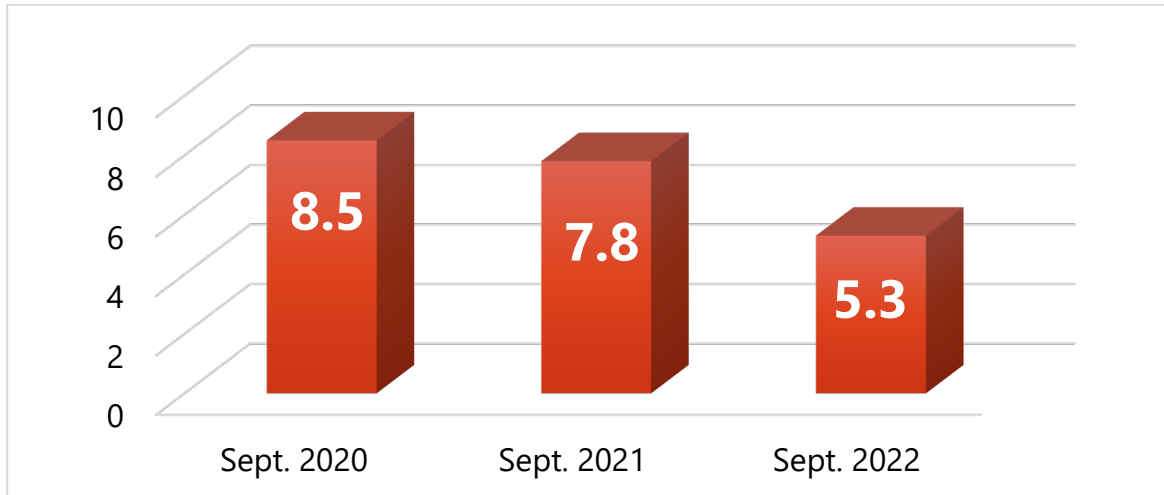
- Bachelor's degree or 60 semester hours/two years experience
- 4-5 month hiring cycle
- 6-month training academy
- 2 months of field training
- Statewide post locations with limited initial offerings
  - Promotions often require a transfer/relocation
- Negative portrayals and attitudes toward law enforcement across the nation
- Unpredictable and dangerous profession
  - Various physical and mental health factors such as violent altercations, vehicle pursuits, hypervigilance, cumulative stress, vicarious trauma, poor sleep cycles, extreme weather, etc.
- FTEs reduced by 10% - from 215 in 2015 to 193 today (205 in 1985)
  - North Dakota's population has increased by 15% since 1985
  - Vehicle miles traveled have increased by 67% since 1985

### NDHP Authorized FTEs per Biennium: 1985-2019



- Troopers stationed in 30 of 53 counties (43% without)
- Troopers provide specialized services to local agencies
  - Advanced crash investigation
  - Commercial motor vehicle enforcement
  - Supplemental emergency assistance and backup
- 91 core traffic enforcement troopers covering 70,700 sq. miles
  - Historical vacancy rate: 5-6 troopers/month (rarely ever fully-staffed)

## NDHP qualified applicants per open position



- The highway patrol’s PERS fund is projected to become insolvent based on the most recent actuarial valuation results dated October 25, 2022.
  - The highway patrol is currently going through a four-year cycle of 0.5% employee and employer contribution rate increases that started January 1 of 2022 and will end January 1 of 2025 – 4% total.
  - Factoring upcoming rate increases, the highway patrol fund is still 16% below the “actuarially required rate” for contributions.
  - The funded ratio is currently around 70% and is projected to be around 40% by the year 2062.
  - Several options have been discussed including a one-time infusion and vacancy fund transfers.

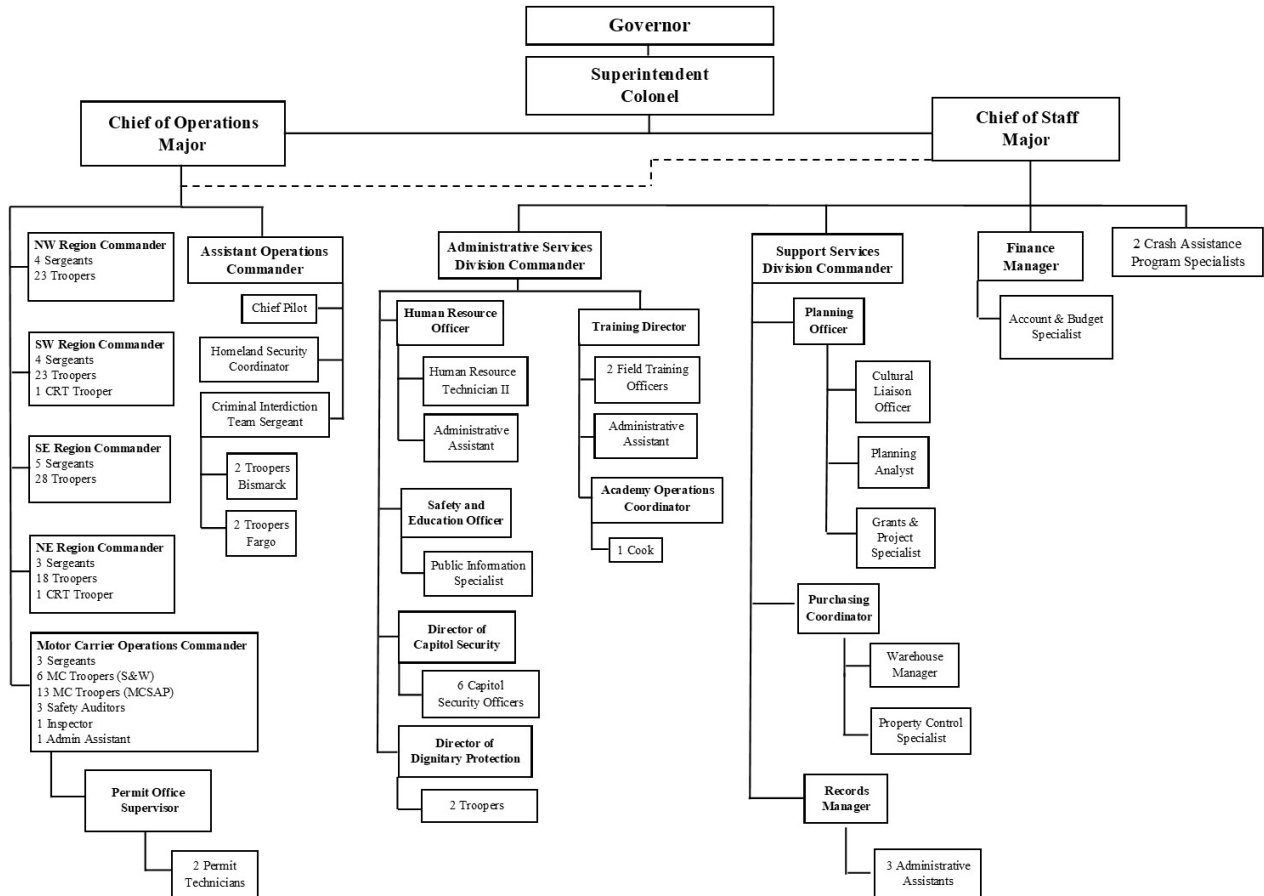
### **Conclusion**

As the superintendent of the highway patrol representing North Dakota’s finest, our state troopers and all the professionals in our agency who support their noble work, I would ask for your consideration of the executive budget recommendation.

Our team members have displayed an unprecedented level of dedication and commitment to the state and those we serve during several years of challenging budget cycles, and we appreciate all that you’ve done for our agency in the past.

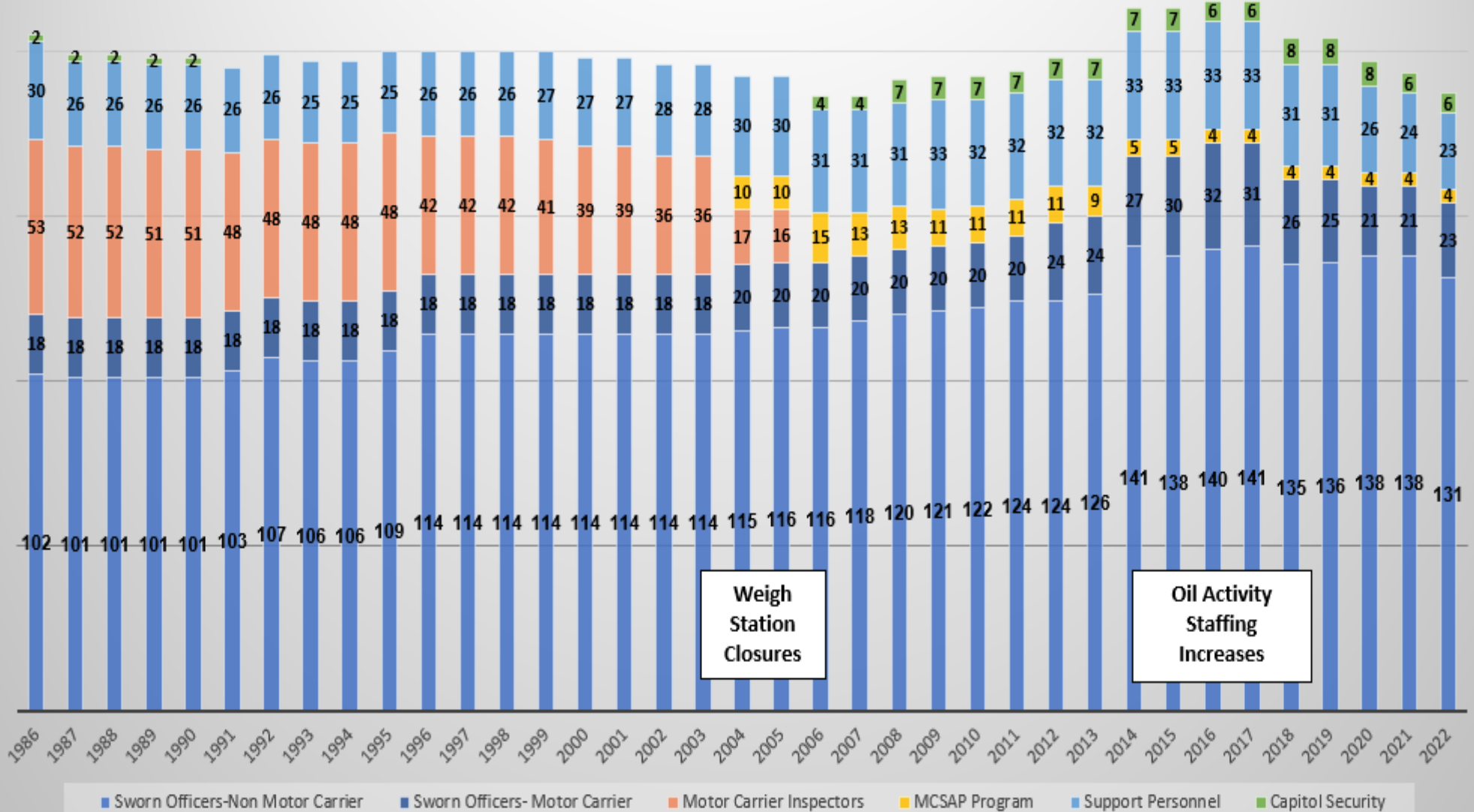
This session presents an opportunity to send a clear message of support to our team members. This concludes my testimony, and I look forward to working with you all more closely as the session continues. Thank you, Mr. Chairman, and members of the committee. I’d be happy to answer any questions.

**NORTH DAKOTA HIGHWAY PATROL ORGANIZATION CHART**



January 2023

# North Dakota Highway Patrol Historical Staffing





# House Bill 1011

North Dakota Highway Patrol  
Colonel Brandon Solberg  
March 8, 2023



NORTH  
**Dakota** | Highway Patrol  
Be Legendary.

# STATUTORY AUTHORITY NDCC CHAPTER 39-03

- Enforcement of laws pertaining to title 39 and title 24
- Traffic crash investigation – approximately 80% of serious crashes
- To enforce chapter motor carrier rules adopted under NDCC 39-21
- To provide security and protection for the governor, the governor's immediate family, and others next in order of succession
- To provide security and protection for both houses of the legislative session while in session and the ND Supreme Court
- To exercise general police powers over any law when committed in our presence or when requested by another law enforcement agency



# CORE FUNCTION

## Proactive law enforcement services

- Proactive versus reactive

## Meet current and future law enforcement demands

- Traffic safety to public safety

## Ensure the safety of citizens and visitors

- North Dakota can become the safest state in the nation

### N.D. STATE HIGHWAY PATROL VITAL FACTOR IN REDUCING ANNUAL SACRIFICE OF HUMAN LIVES

Continuous Presence of Uniformed and Motorized Traffic Officers On  
Public Streets and Highways Serves to Remind Drivers That  
Laws of This State Cannot Be Disregarded



Hope Pioneer – June 16, 1938



# HIGHWAY PATROL MISSION

## **Mission**

To make a difference every day by providing high quality law enforcement services to keep North Dakota safe and secure

## **Vision**

Public safety through quality service

## **We Serve**

All North Dakota citizens

All motorists traveling through ND

# AGENCY OVERVIEW

- **Two major components**
  - Field operations
  - Administration
- **193 authorized employees**
  - 159 sworn
  - 34 civilian
- **Motor vehicle permit office**
- **Law Enforcement Training Academy (LETA)**



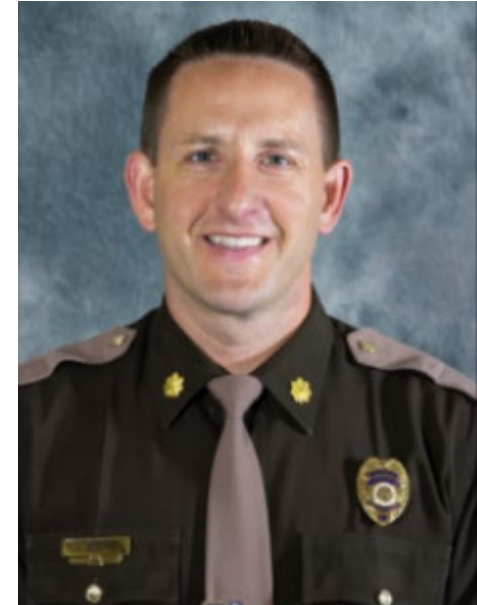
# AGENCY ADMINISTRATION



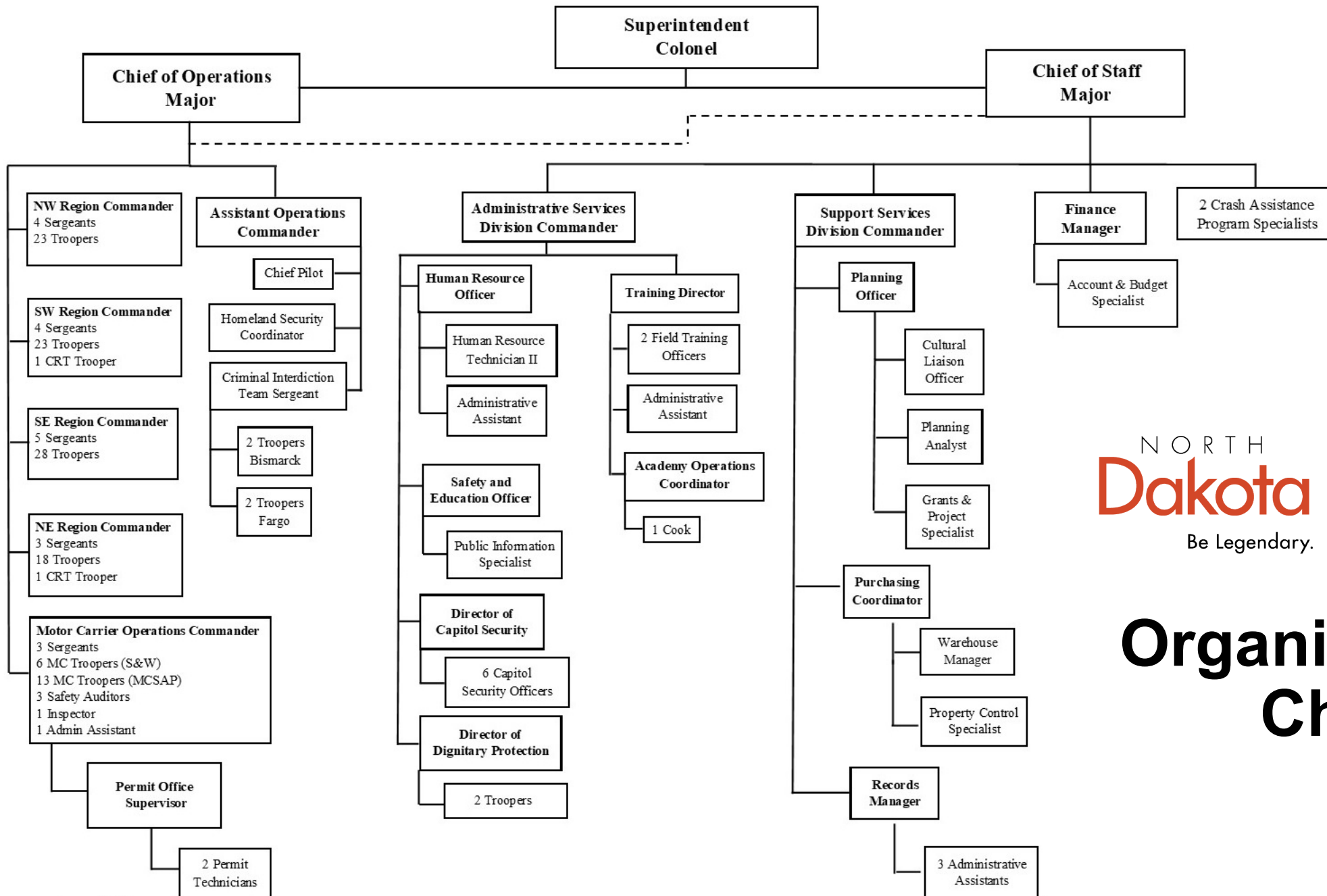
**Colonel Brandon Solberg**  
**Superintendent**



**Major Aaron Hummel**  
**Chief of Staff**

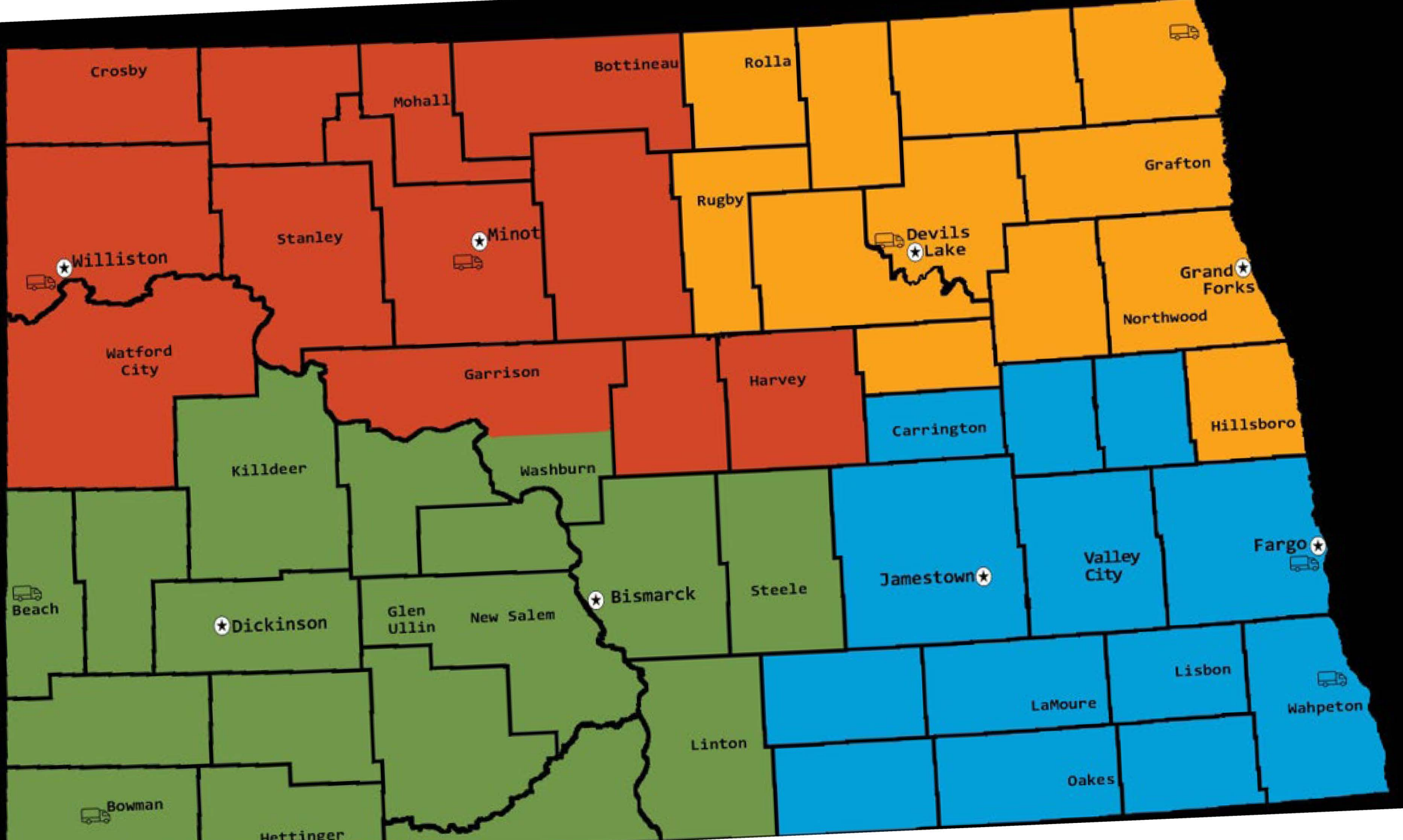


**Major Tom Iverson**  
**Chief of Operations**



NORTH  
**Dakota** | Highway Patrol  
 Be Legendary.

# Organizational Chart



# HIGHWAY PATROL VALUES



- Professionalism
- Integrity
- Loyalty
- Accountability
- Respect
- Commitment

# AGENCY OVERVIEW

- **Accomplishments**
- **Challenges**
- **Opportunities**





# AGENCY ACCOMPLISHMENTS



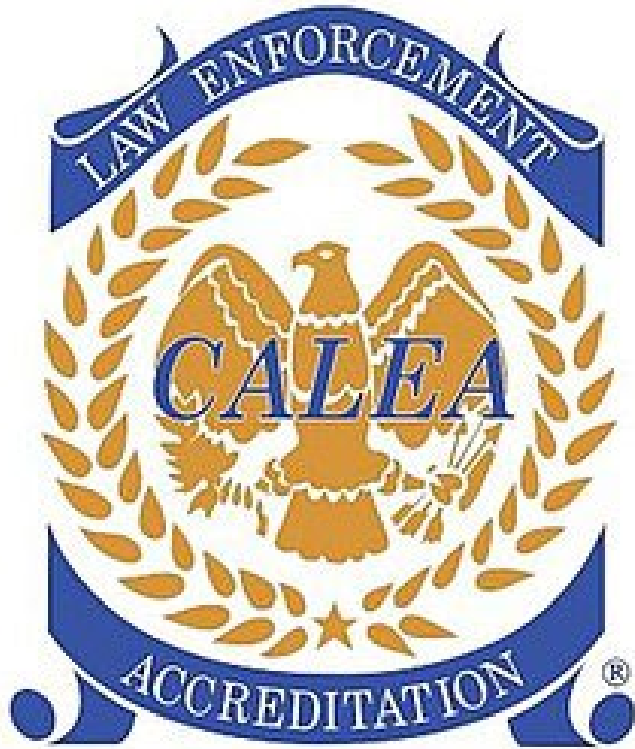
- Signed law enforcement mutual aid agreements with MHA and Spirit Lake Nations to clear up jurisdictional complexities
- Implemented an unmanned aerial vehicle program with UAVs available statewide for crash investigation and search & rescue operations

# AGENCY ACCOMPLISHMENTS



- The NDHP, DOT, DES, and Parks & Rec received the Roaming Bison Award for a combined response to the historic spring storm in April of 2022

# AGENCY ACCOMPLISHMENTS



- Received 11<sup>th</sup> accreditation award from the Commission on Accreditation for Law Enforcement Agencies – accredited since 1989
- Started a two-member crash assistance program with team members stationed in Fargo and Bismarck
- Hosted four opioid roundtables in Bismarck, Minot, Grand Forks and Fargo with 94 public and private partners in attendance

# AGENCY ACCOMPLISHMENTS

The NDHP responded to 1,112 calls for service and investigated 343 crashes during three different inclement weather events in November and December of 2022. These long-duration winter storms resulted in several road closures across the state.



# AGENCY ACCOMPLISHMENTS



*10 lbs. of meth  
destined for Fargo.*

- Started a five-member criminal interdiction team with troopers stationed in Fargo and Bismarck
- Conducted the first American Governors' Border Strike Force detail in partnership with the State & Local Intelligence Center and the Bureau of Criminal Investigation which resulted in the seizure of 51.6 pounds of illicit drugs in a short one-week period

# AGENCY ACCOMPLISHMENTS

- Actively working toward a more inclusive and diverse workforce and culture
  - Signed 30x30 initiative
  - Hosted first Midwest Women in Law Enforcement conference
  - Submitted SB 2054 to update the term “patrolman” to “trooper”



# CRITICAL ISSUES



- Keeping North Dakota safe and secure
  - Criminal interdiction efforts
- Work toward zero deaths on the state's highways
  - Enforcement and education
- Becoming/remaining an employer of choice
  - Attract and retain a professional, motivated, and diverse workforce
- Provide high quality law enforcement training
  - Relevant and timely
- Technology advances
  - Strong backbone to constantly changing environment

# CRIMINAL INTERDICTION EFFORTS

- In 2021, troopers seized a total of 96 grams or 48,000 potentially lethal doses of fentanyl from our roadways
- In 2022, that number increased tenfold to 1,021 grams or 510,500 potentially lethal doses of fentanyl
- 365 canine deployments and 3,458 drug charges in the past two years

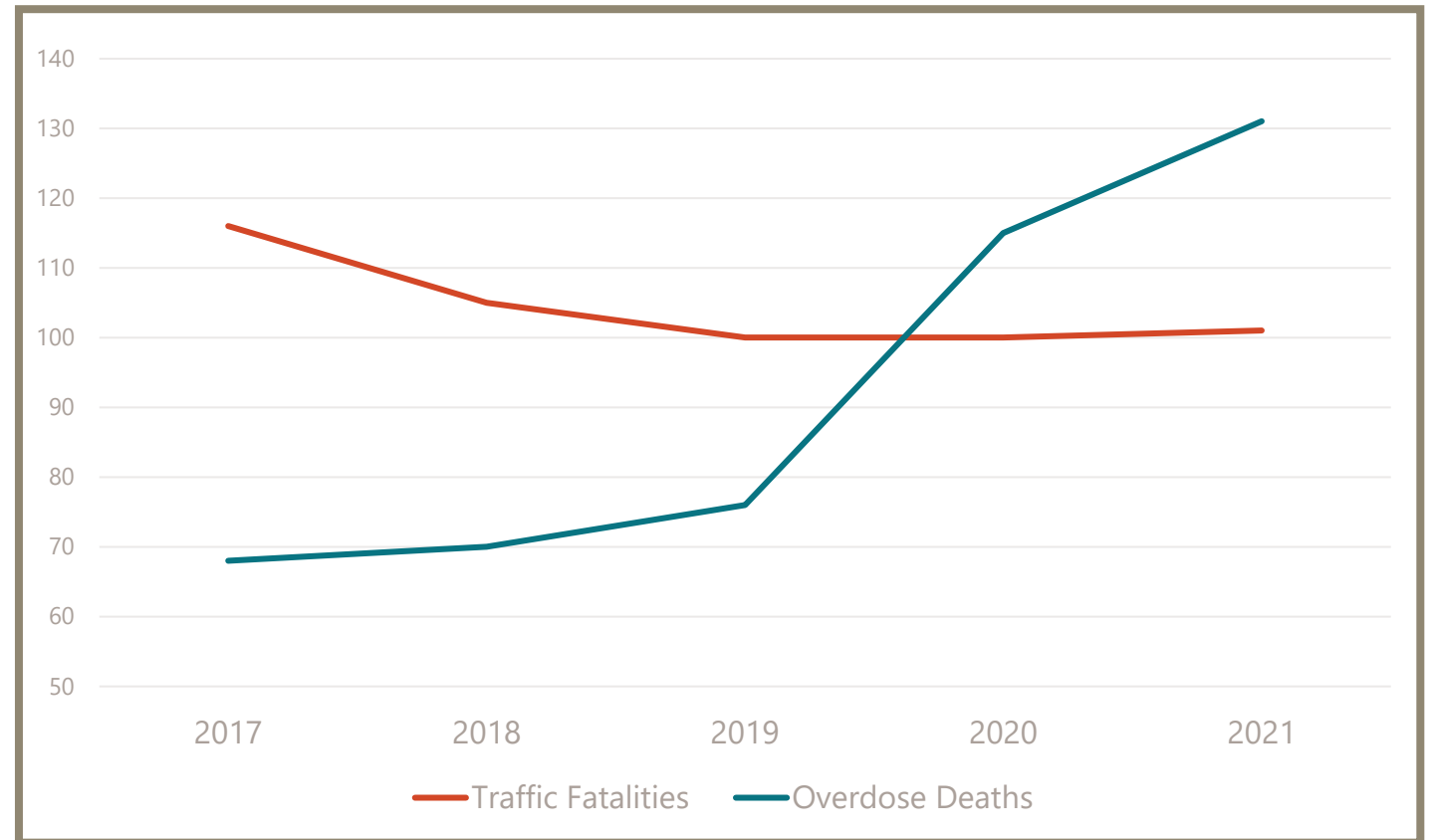


*Two pistols, \$20,000, six lbs. of meth and 9,000 fentanyl pills destined for Fargo.*



# OVERDOSE DEATHS

- Overdose deaths are exceeding traffic fatalities nationwide
- North Dakota stats:
  - 2019: 76 (vs 100)
  - 2020: 115 (vs 100)
  - 2021: 131 (vs 101)
- Supply and demand
- TCOs, cartels, gangs
- Whole community
- All citizens



# AGENCY WORKLOAD

- 39 supervisors
- 29 specialized troopers
  - Chief Pilot (1)
  - Criminal Interdiction Team (4)
  - Cultural Liaison Officer (1)
  - Crash Reconstructionist (2)
  - Protective Services (2)
  - MCSAP (13)
  - Size & Weight (6)
- 91 traffic enforcement troopers



## Area of Responsibility

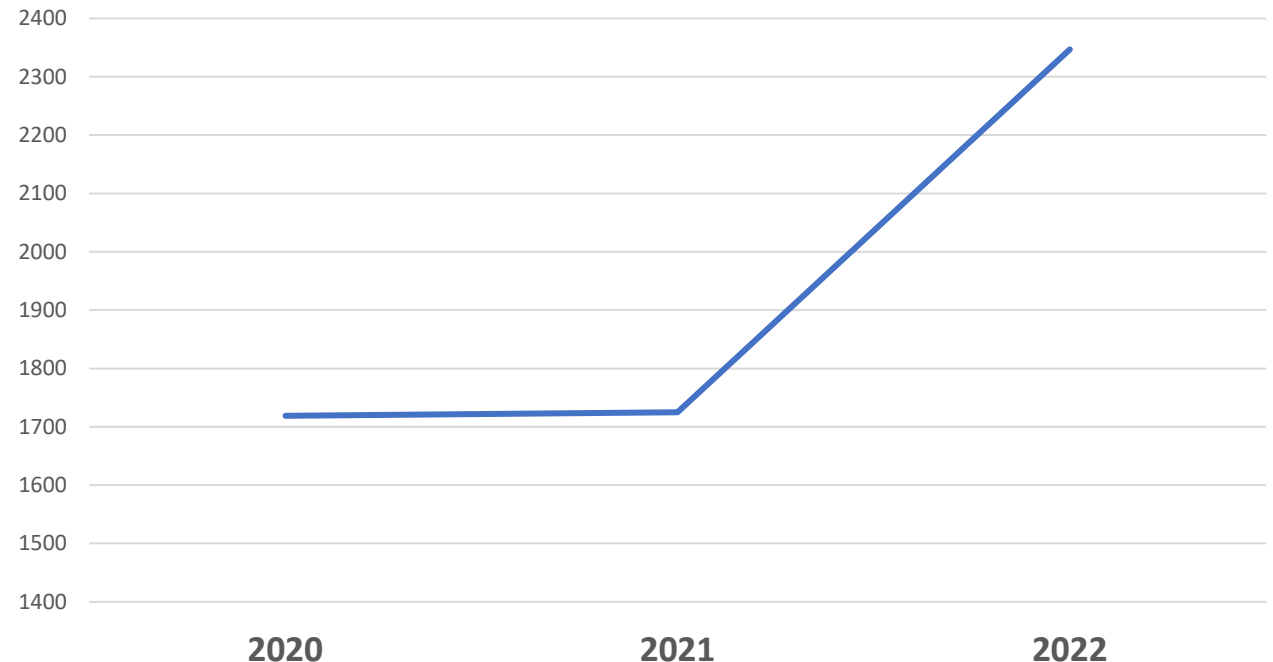
- 70,762 square miles
- 106,103 miles of roadways
- 7,415 miles of state/federal highways
- 571 miles of interstate
  - 35% of annual vehicle miles traveled

*Source: ND Transportation Handbook 2021*

# AGENCY WORKLOAD

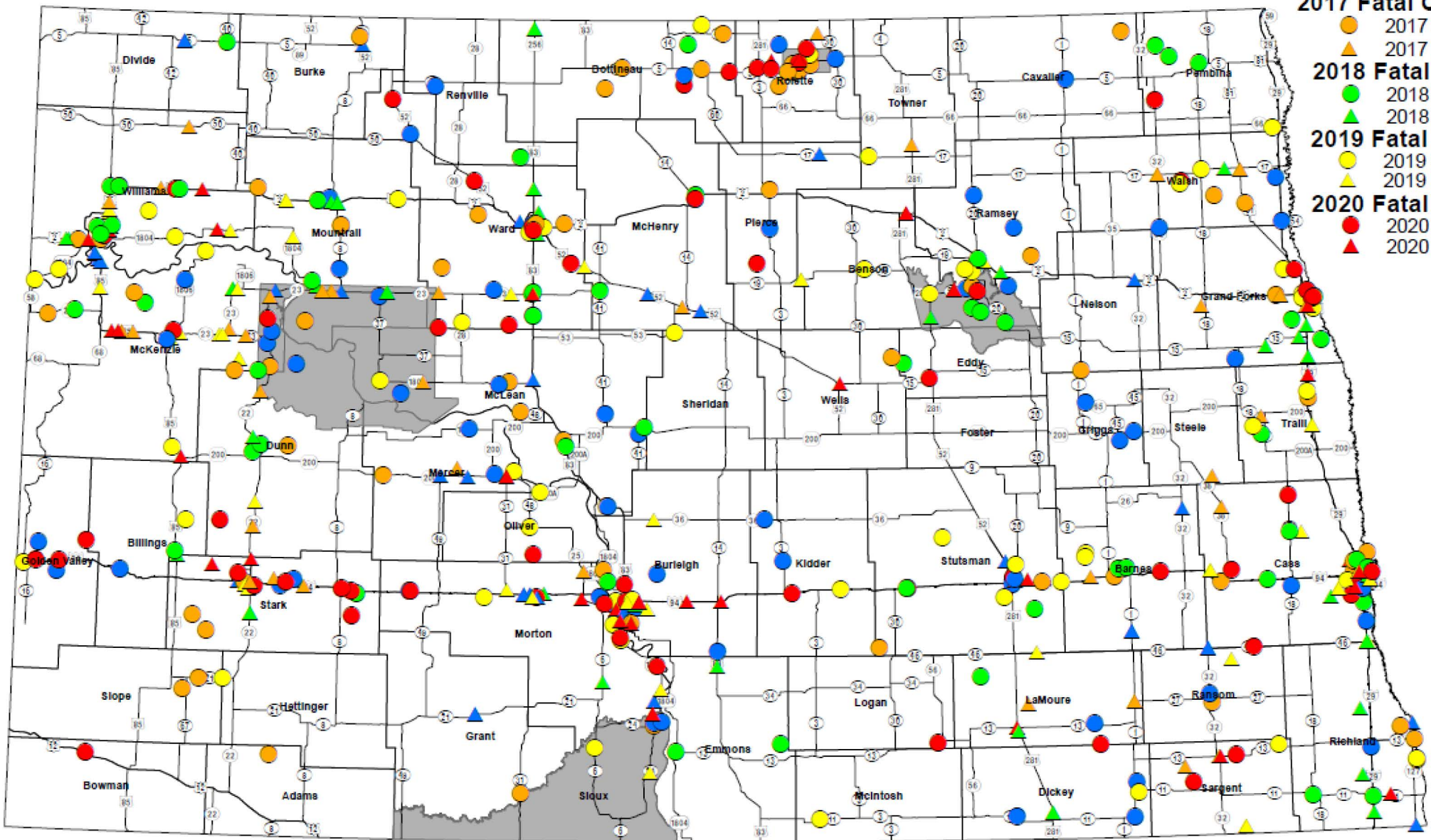
The NDHP covers approximately 80% of all serious injury and fatality crashes and approximately 20% of all other crashes.

NDHP-Investigated	2020	2021	2022
Fatal	77	77	89
Injury	458	463	521
Property Damage	951	964	1407
Other/Nonreportable	233	221	330
<b>Total</b>	<b>1719</b>	<b>1725</b>	<b>2347</b>



# Fatal Crashes 2016-2020

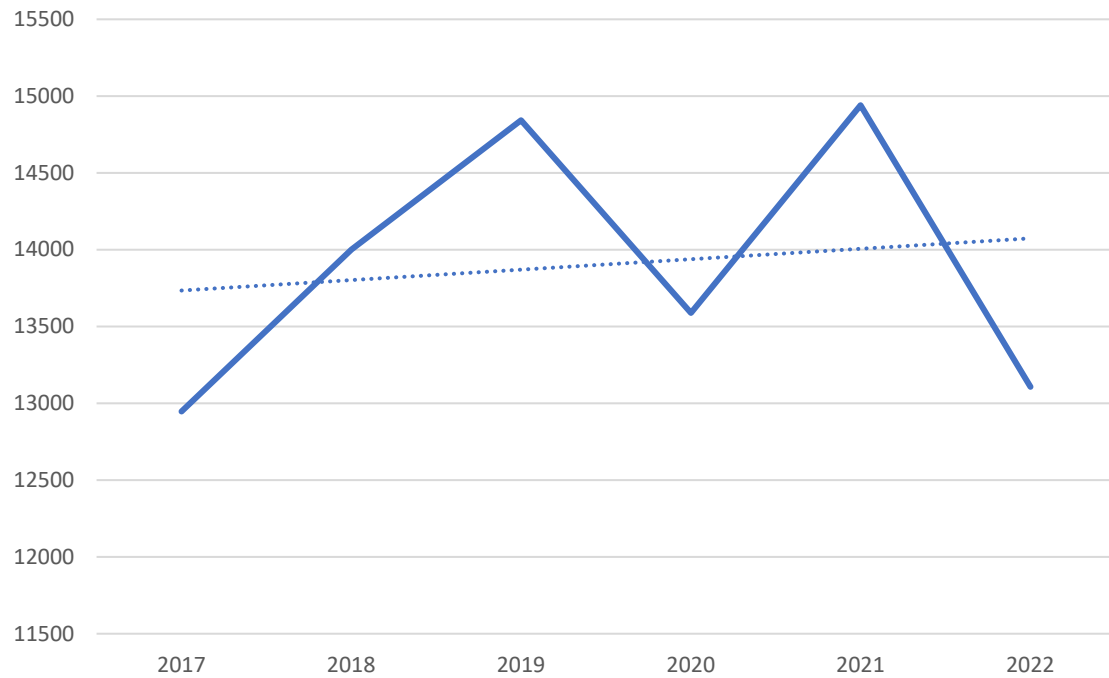
- 2016 Fatal Crashes (102)**
  - 2016 Single Vehicle
  - 2016 Multiple Vehicles
- 2017 Fatal Crashes (106)**
  - 2017 Single Vehicle
  - 2017 Multiple Vehicles
- 2018 Fatal Crashes (95)**
  - 2018 Single Vehicle
  - 2018 Multiple Vehicles
- 2019 Fatal Crashes (91)**
  - 2019 Single Vehicle
  - 2019 Multiple Vehicles
- 2020 Fatal Crashes (96)**
  - 2020 Single Vehicle
  - 2020 Multiple Vehicles



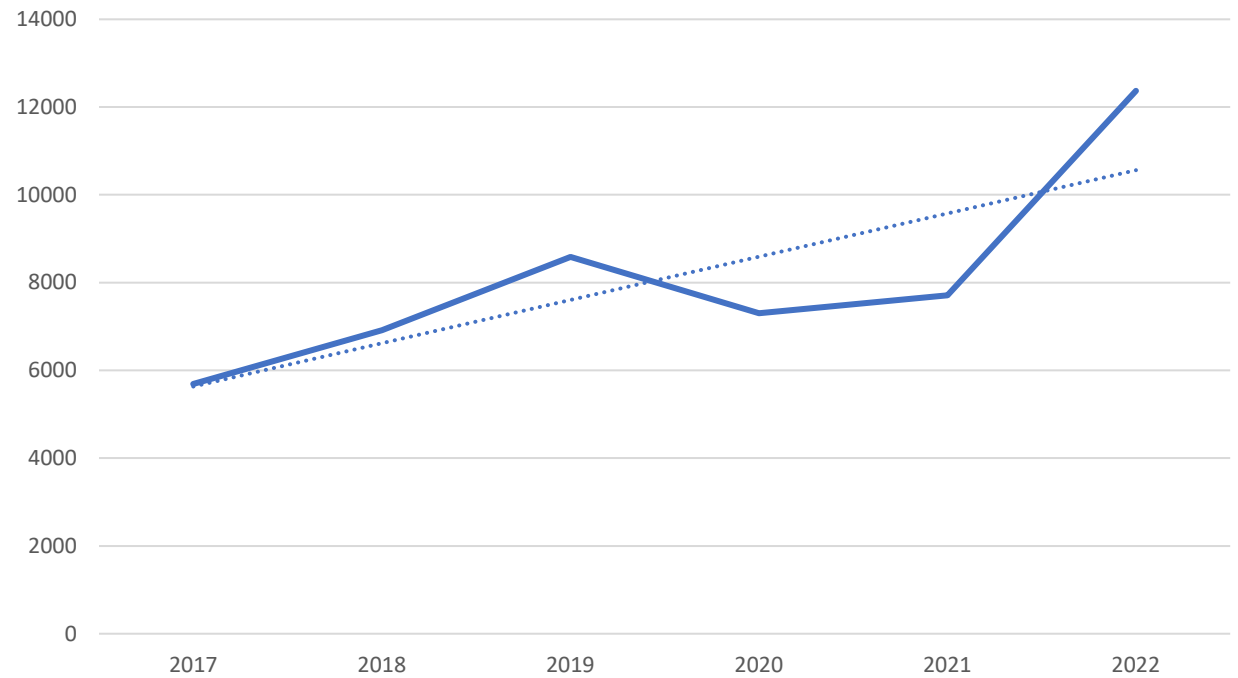
Agency Workload	2021	2022	
Road Patrol Hours	116,294	96,505	
Traffic Stops	71,575	63,133	
Traffic Citations	67,663	56,286	
Warnings	42,215	43,027	
Crashes Investigated	1,725	2,347	36% increase
Criminal Arrests	5,929	5,512	
Safety Talks	295	361	22% increase
Motor Carrier Permits Issued	149,009	148,194	
Assist Other Government Agency	3,149	3,161	
Calls for Service	14,941	13,108	
Total CAD Incidents	98,075	95,979	
DUI Arrests	1,062	1,016	
Drug-Related Arrests	1,758	1,700	
Weapon Offenses	64	66	34.5% increase since 2020
Motorist Assists/Abandoned Vehicles	7,714	12,367	60% increase
Crash Investigation On-Scene Hours	3,763	4,309	14.5% increase
Crash Investigation Follow-up Hours	2,386	2,862	20% increase
Crash Reconstruction Hours	2,502	3,000	20% increase
Overloads	1,080	942	

# AGENCY WORKLOAD

## Calls for Service

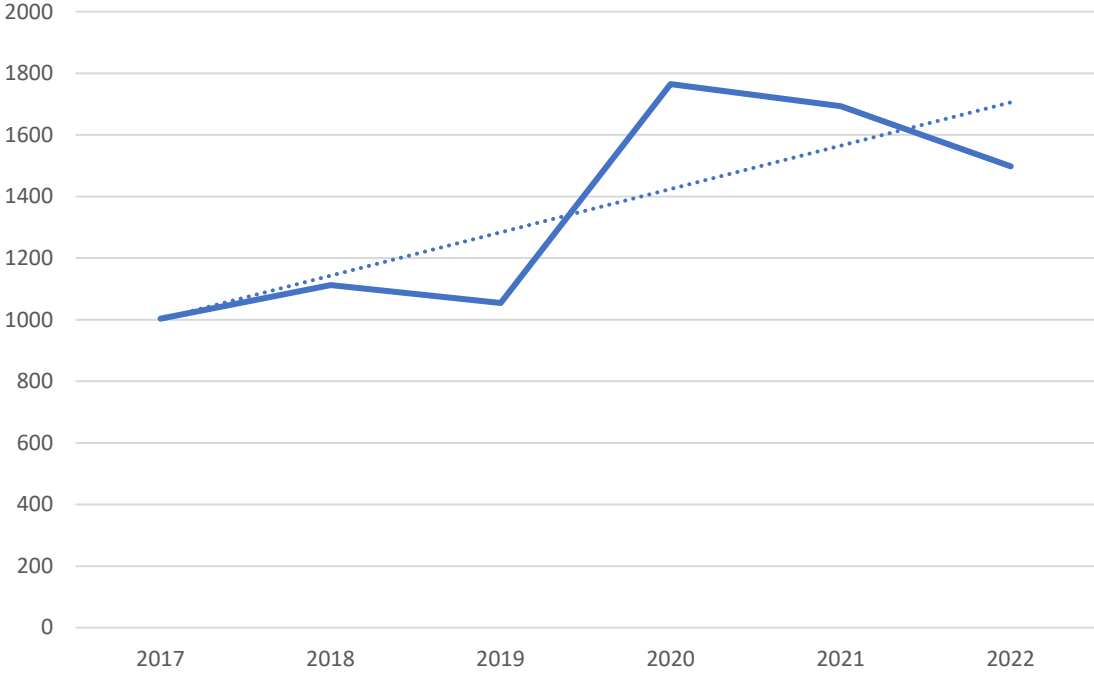


## Highway Assists

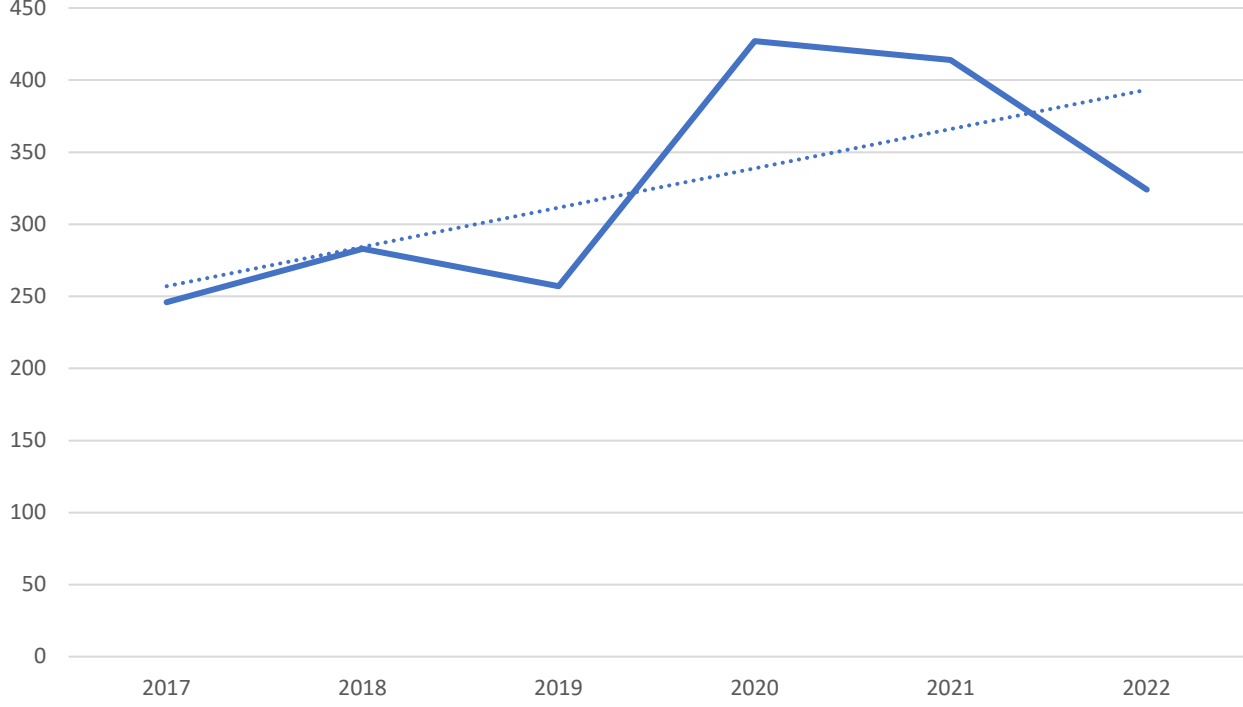


# AGENCY WORKLOAD

## Speeds 25+ Over

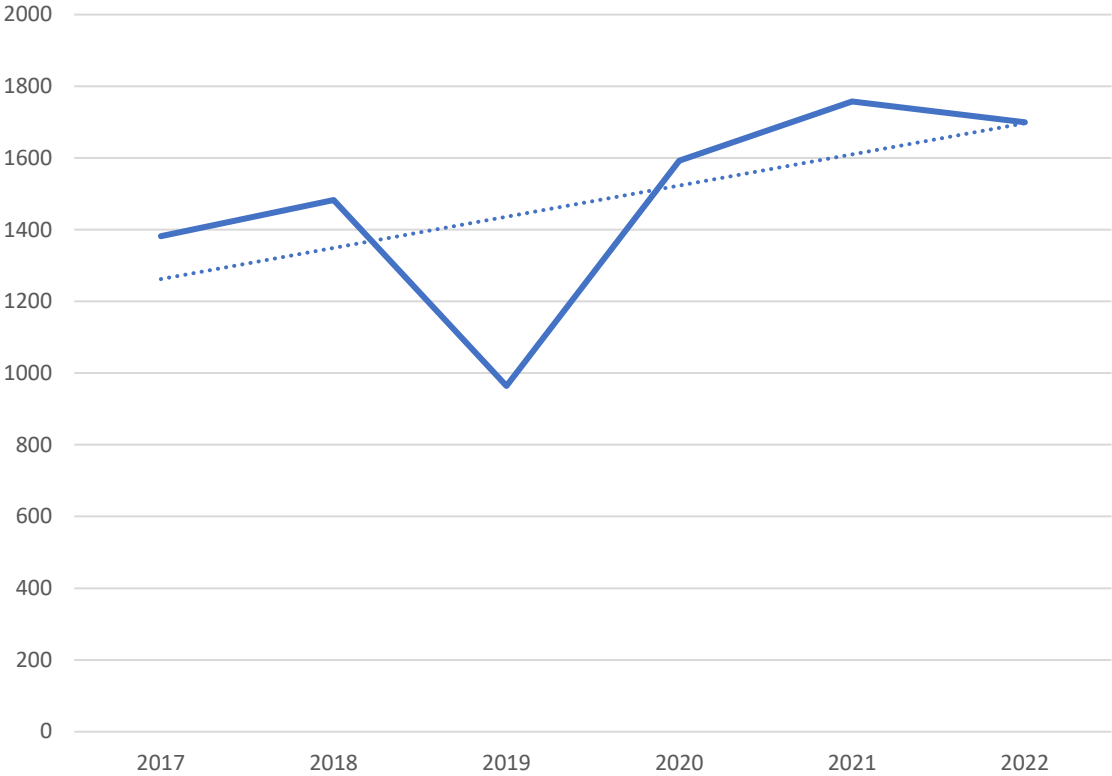


## Speeds 100+ MPH

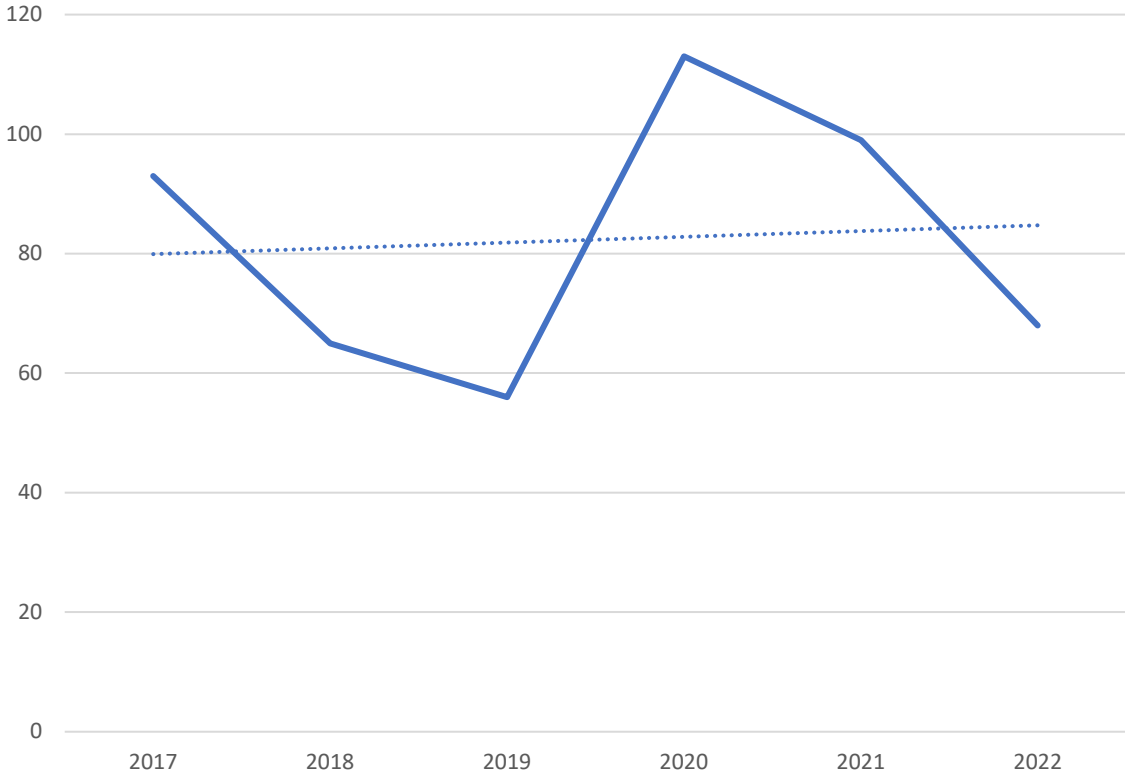


# AGENCY WORKLOAD

## Drug Offenses



## Pursuits





# AUDIT FINDINGS - TWO-YEAR PERIOD ENDING JUNE 30, 2020

## **Finding 2020-01: Terminated Employees Could Bypass Capitol Security**

*Terminated Employee = employee who ended employment for any reason to include voluntary resignation, retirement, involuntary termination, or for employment in another state agency.*

### ***Recommendation***

- Perform monitoring procedures by routinely reconciling terminated employees to access within systems that control building security and disable access for terminated employees; or,
- Coordinate with human resource agencies to automate, if possible, building access for employees according to employment status.

### ***Corrective Action***

- Update the human resource process and communicate to agencies that use key access on the capitol complex. ServiceNow is the required method for agencies to notify the NDHP within 10 days (or sooner) of termination of employment.
- The NDHP will utilize OMB employment status records to reconcile requests as a failsafe measure.
- NDIT has a request for Security Expert software in their budget to enhance the current software package used for the electronic card access system.

# AUDIT FINDINGS

## **Finding 2020-02: Contractors Could Bypass Capitol Security**

### ***Recommendation***

- Consistently limit or automate expiration of building access for one year or less for non-employees and require agencies to renew access requests annually.
- Provide guidance to agencies to limit contractor access to contract needs for routine access with a maximum of the contracted period of services.
- Implement a required field on the Access Card Authorization Request form to be used to identify when contractor access is to be revoked.

### ***Corrective Action***

- Requests for contractor access through ServiceNow require an expiration date and state contract number to be added when requesting key access. Agencies are required to collect the card at the expiration date or end of the contract work period and notify the highway patrol to deactivate access.
- Contractor cards expire after one year unless the contract period is shorter in duration.
- NDIT has a request for Security Expert software in their budget to enhance the current software package used for the electronic card access system.

# 2021-23 HARD BODY ARMOR PROJECT

- \$265,000 – Motor Carrier Electronic Permit Transaction Fund
- This project is 100% complete
- Replaced expired hard body armor



# 2021-23 IN-CAR/BODY CAMERA PROJECT



Photo courtesy Axon.com

- Total project cost - \$1,458,000
- \$1,158,000 – Motor Carrier Electronic Permit Transaction Fund
- NHTSA grant funds - \$300,000
- Project is 95% complete
  - Installs 100% complete
  - Additional download needs in rural areas
  - Minor equipment adjustments

# 2021-23 CVIEW PROJECT STATUS

- Commercial Vehicle Information Exchange Window
- \$275,000 Federal and Permit Funding
  - Top level design document complete (Phase 1)
  - Currently in procurement process to select the CVIEW software package
  - Becoming CVIEW compliant will bring FMCSA technology grant opportunities to North Dakota
  - Request for carry-over and additional federal authority

# COMMERCIAL VEHICLE EXCHANGE WINDOW (CVIEW)

## 67<sup>th</sup> Legislative Assembly

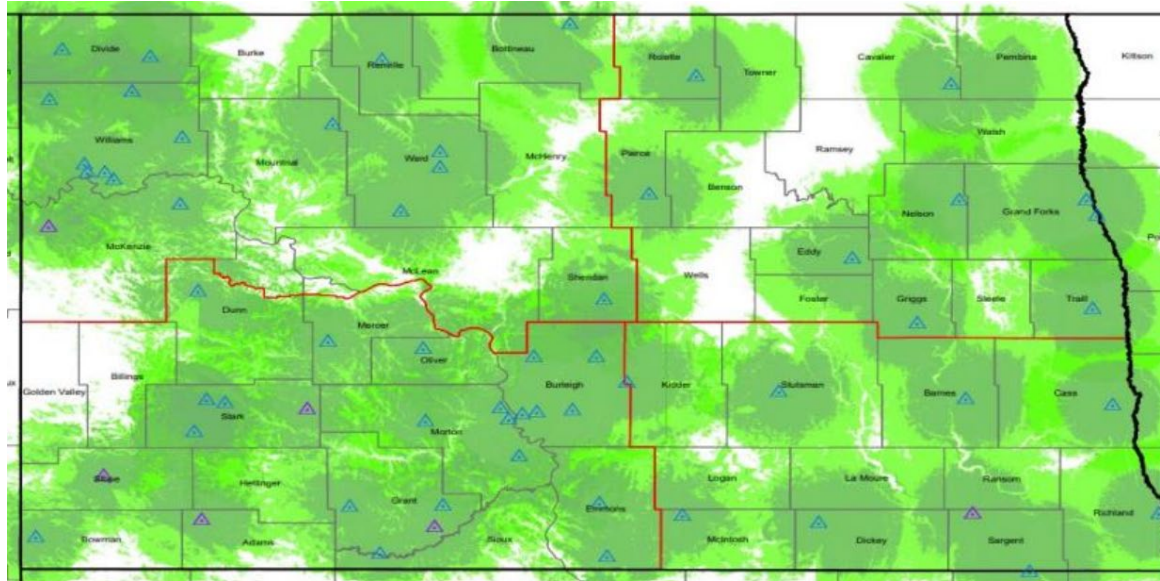
- Approved \$50,000 for top level design document – Phase 1 (Completed)
- \$225,000 for purchase of CVIEW – Phase 2
  - Won't be completed by June 30<sup>th</sup>, 2023
- **Request carryover of \$225,000 (federal spending authority)**
- **Additional request of \$150,000 (federal spending authority) for the associated NDIT large project management, network, and security related costs.**
- Funding comes from MCSAP (federal) high priority technology grants

# LAW ENFORCEMENT TRAINING ACADEMY MODERNIZATION PROJECT

- \$3,000,000 – Federal Funds - State Fiscal Recovery Fund
- Design work has been completed
- Project has been bid
- Contractor has been selected
- Remodel work has begun, expected completion in the fall of 2023



# STATEWIDE INTEROPERABLE RADIO NETWORK



- \$2,612,000 – Federal Funds – State Fiscal Recovery Fund
- Mobile and portable radios have been purchased
- Initial test installs to begin in early adopter areas of Bismarck, Grand Forks and Williston early in 2023



# BUDGET OVERVIEW

## 2021-23 Budget Appropriation

- General Funds: \$36,327,762
- Special Funds: \$12,494,025
- Federal Funds: \$17,989,627
- Total Budget: \$66,811,414
- Legislative Base (less one-time): \$62,113,411

## 2023-25 Executive Budget Limit

- Added NDIT increases
- Added cost to continue salaries
- Added unfunded NDPERS contribution for 2023-25 increases
- Transferred \$8.1M in CRF funding back to general/special funds



# BUDGET OVERVIEW

<b>Funding Source</b>	<b>2021-23 Appropriation</b>	<b>2023-25 Budget Request</b>	<b>2023-25 Executive Budget</b>
General Funds	\$36,327,762	\$53,924,128	\$54,191,734
Special Funds	\$12,494,025	12,687,538	13,438,559
Federal Funds	\$17,989,627	9,210,092	9,270,174
<b>Total</b>	<b>\$66,811,414</b>	<b>\$75,821,758</b>	<b>\$76,900,467</b>

# AGENCY COLLECTIONS

Fund	2021-23 Collections (Est.)*	2023-25 Collections (Est.)*
Permit Fund (276)	\$2,544,000	\$2,544,000
Highway Fund (200)	\$22,588,000	\$22,588,000
ID Card Fund (141)	\$2,000	\$2,000
HTDF Fuel Tax (400)	\$155,000	\$155,000
Misc. Gen Rev. (001)	\$30,000	\$30,000
<b>Total</b>	<b>\$25,319,000</b>	<b>\$25,319,000</b>

\*Estimates based on biennium to date collections as of November 30, 2022:

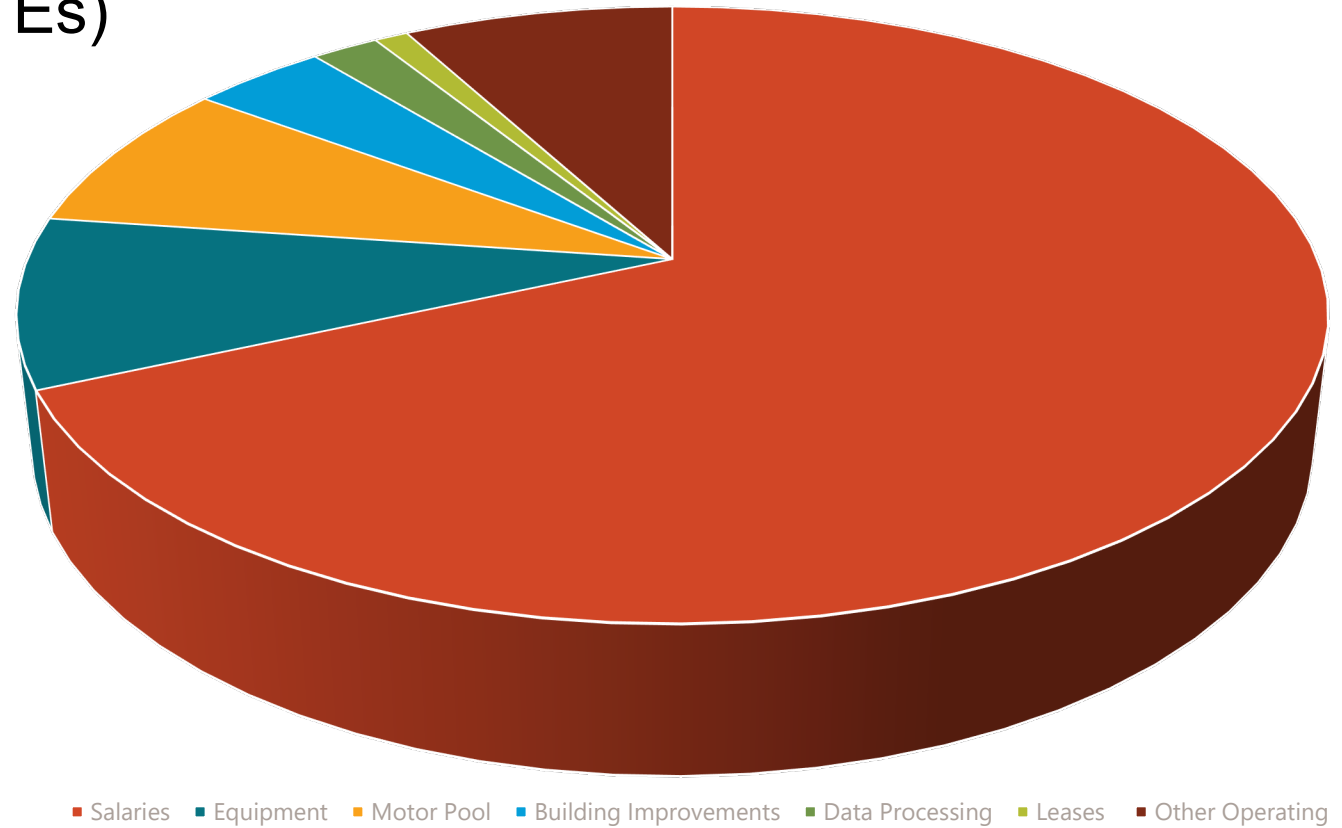
- Collections from fund 276 e-permit fees - \$1,802,326 and Hwy Fund 200 overload fees - \$15,999,653
- ID card processing fund 471 fees - \$1,510

ND Constitution – Article IX, Section 2: Fines for traffic violations are collected by the courts and used “for the benefit of the common schools of the state.”

# 2021-23 BUDGET BREAKDOWN

- 69% salaries and benefits (FTEs)
- 9% equipment
- 8% motor pool
- 4% building improvements
- 2% data processing
- 1% leases
- 8% other operating

***Over ¾ is personnel and vehicle costs.***



# OPTIONAL REQUESTS – STATE FUNDS

1. 2021-23 PERS employer contribution increases - \$129,622
  - Two unfunded 0.5% increases on January 1 of 2022 and 2023
2. State fleet mileage increases - \$2,042,000
3. Lease rate increases - \$123,000
4. UAV expansion - \$105,000
5. Narcotic handheld tester - \$60,000
6. Additional warehouse space - \$123,000
7. Fargo office garage addition - \$722,000



# OPTIONAL REQUESTS - STATE FUNDS



## Inflationary Increases

- Uniforms - \$58,000
- Ammunition - \$46,000
- Equipment - \$370,000
- Travel - \$46,000
- Recruitment - \$50,000

# OPTIONAL REQUESTS - STATE FUNDS

## Sworn Officers Included in Executive Recommendation

- Backfill five criminal interdiction team members - \$1,685,416
- Add five criminal interdiction team members for the NW/NE - \$1,420,420
- Add two officers to enhance security and protection duties - \$568,170

## Not Included

- Two training officers
- One state property criminal investigator
- Two size and weight enforcement officers
- One strategic planning officer
- One recruiter
- Two safety and education officers
- One crash reconstructionist

# OPTIONAL REQUESTS - STATE FUNDS

## Information Technology Projects

- Learning management software - \$105,000
- Academy management software - \$122,000
- Field training officer software - \$15,200
- Video/digital photo storage - \$118,000
- RMS/daily activity maintenance - \$25,000
- RMS program updates - \$80,000
- Daily activity software - \$10,000
- States attorney portal interface - \$55,000
- Dashboard research/analytics - \$15,000





# OPTIONAL REQUESTS - FEDERAL FUNDS

## Included in Executive Recommendation

- Statewide DRE coordinator (100% NHTSA) - \$284,082
- MCSAP troopers, 2 of 4 approved - \$674,358
- Crash reconstruction equipment - \$35,000
- UAVs for CMV inspections - \$100,000
- Scale signage and lighting - \$150,000
- UGPTI CMV crash analysis - \$92,000
- Aries and Aspen bridge - \$50,000

**MCSAP Funded**  
95% Federal  
5% State

## Not Included

- CMV Automated License Plate Readers - \$160,000



# FEDERAL FUNDING SOURCES

## Motor Carrier Safety Assistance Program (MCSAP) Funding

- The Bipartisan Infrastructure Law (BIL), signed into law on November 15, 2021, brought significant Federal Motor Carrier Association (FMCSA) funding to the states.

<b>North Dakota</b>	<b>Original FFY 2022 Funding @ 85/15% Match</b>	<b>New/Revised FFY 2022 Funding @ 95/5% Match</b>	<b>Difference</b>
<b>Federal Share</b>	\$2,609,479	\$3,857,878	\$1,248,399
<b>State Share</b>	\$460,135	\$203,046	(\$257,089)
<b>Annual (FFY)</b>	\$3,069,614	\$4,060,924	\$991,310
<b>Two-Year Total</b>	<b>\$6,139,228</b>	<b>\$8,121,848</b>	<b>\$1,982,620</b>

# FEDERAL FUNDING SOURCES

## ND Department of Transportation/ National Highway Traffic Safety Administration (NHTSA) Funding

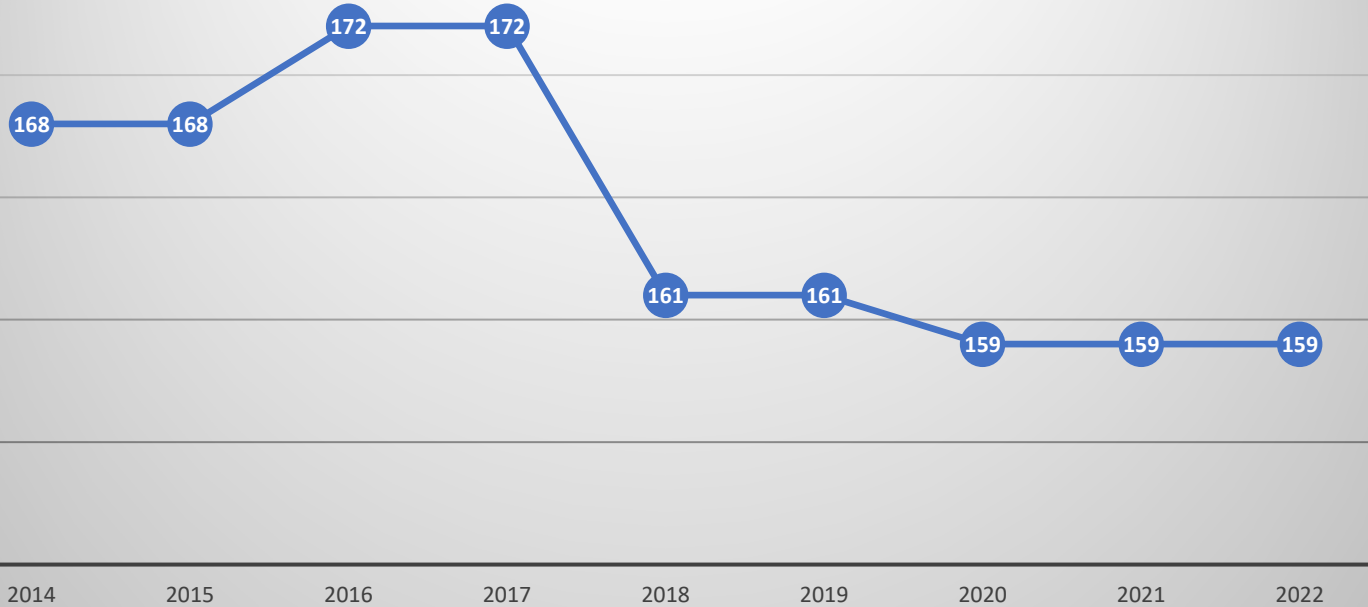
- Impaired driving, distracted driving, and occupant protection overtime programs
- Radar and in-car camera funding
- Potential for regular salary funding for impaired driving – funding for troopers dedicated to impaired driving enforcement

## North Dakota Department of Corrections / Victims of Crimes Act (VOCA) Funding

- Partial funding for Crash Assistance Program Specialists - \$97,201 for FFY 2023

# AUTHORIZED SWORN OFFICERS

NDHP Authorized FTE's (Sworn)



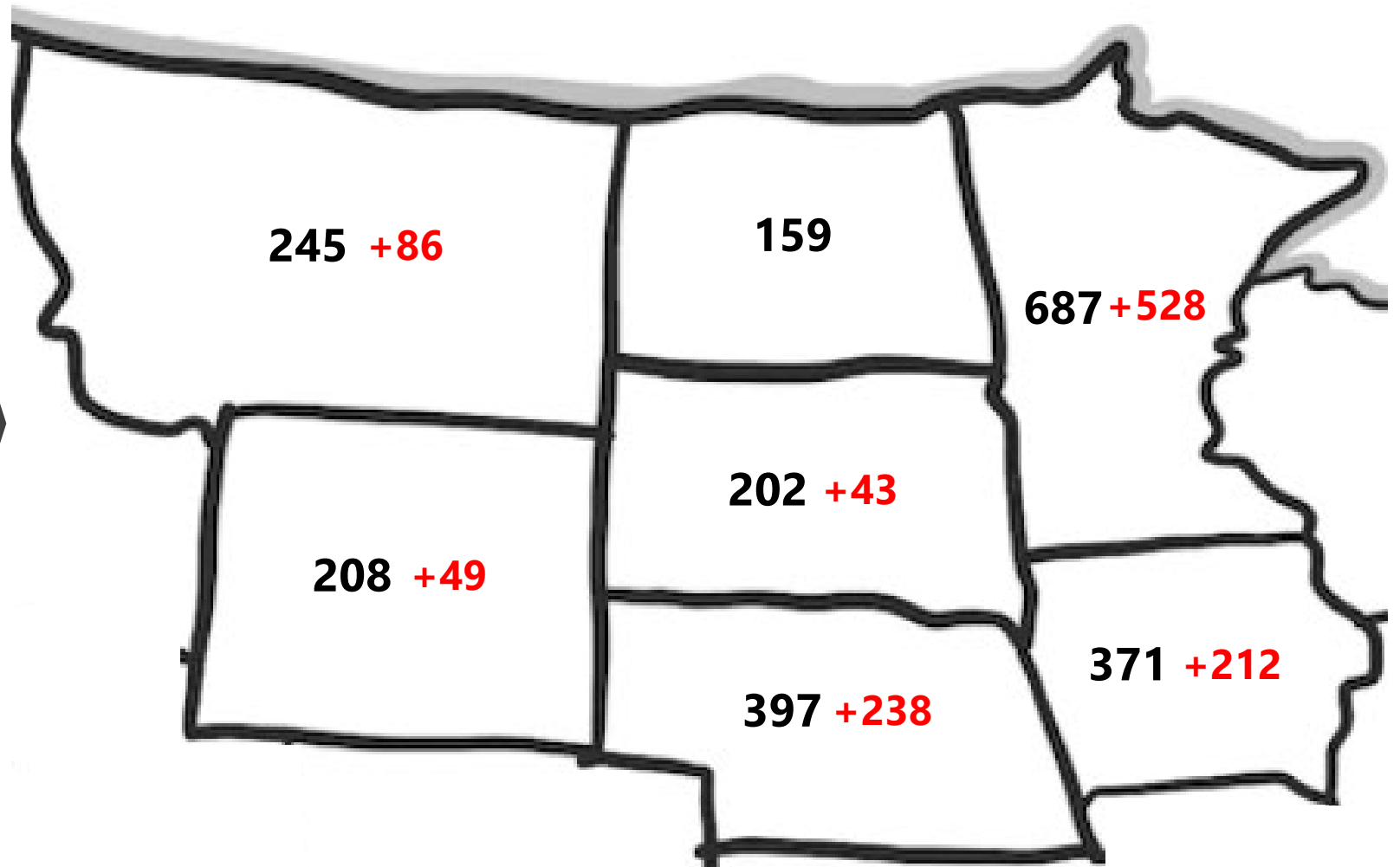
- 2017 – 11 officers **removed**
- 2019 – 2 officers **removed**
- 2022 – 159 authorized

Sworn officers decreased from 172 in 2017 to 159 in 2022 (**7.6% decrease**).  
Population grew from 754,942 in 2017 to 779,261 in 2022 (**3.2% increase**).

# RESOURCE ANALYSIS & DEPLOYMENT STUDY

- Resource analysis & deployment study completed December 2022
- Analyzed data from July 1, 2020, through June 30, 2022
- Results indicated a need for 14 additional sworn officers to cover all obligated time (the existing workload) and unobligated time
  - Desired unobligated time: 30 minutes of every hour
  - Recommended sworn officers: 173 (+14) **Specialized vs. Enforcement**
- Using data such as vehicle miles traveled in comparison to other states in our region, the results indicate a need for 28 additional sworn officers
  - States included: South Dakota, Montana, Wyoming
  - Recommended sworn officers: 187 (+28) **Executive Budget Sworn Officer Size: 174 (+15)**

# Trooper Comparison



**The Fargo Police Department's sworn strength is 188 (+29).**

# APPROPRIATION CONSIDERATIONS

- **Highway Tax Distribution Fund Transfer**
  - \$11,989,604 (approximately 14% of appropriation)
- **Motor Carrier Electronic Permit Fund Transfer**
  - \$1,448,995 (staffing separate from software maintenance)
  - Estimated ending balance on June 30, 2023: \$7.6 million
  - 148,649 permits in 2019; 149,009 in 2020; 148,194 in 2021
- **Monthly Unvouchered Expense**
  - \$200/month/officer (same level since 2009 legislative session)

# APPROPRIATION CONSIDERATIONS

## **Executive Base Budget Limit Adjustments**

- NDIT rate increases - \$173,840
- Cost to continue salaries - \$358,926
- 2023-25 PERS employer contributions - \$260,520
  - Two 0.5% employer increases on January 1 of 2024 and 2025
- \$8,100,000 to replace coronavirus relief funding during the 2021-23 biennium for sworn officer salaries
  - \$6,966,000 in general funds
  - \$1,134,000 in special funds



# APPROPRIATION CONSIDERATIONS

## Requested Budget Submission Corrections

- One-time equipment costs for 10 of the sworn officer positions included in the executive budget were inadvertently omitted
  - \$53,000/officer = **\$530,000 total** (\$369,198 general; \$100,700 federal; \$60,102 special funds)
- Two of the criminal interdiction team members are supervisors
  - Inadvertently entered at trooper salary level
  - Additional biennial sergeant salary = \$58,915 each or **\$117,830 total** (\$101,334 general; \$16,496 special funds)
- Unvouchered expenses were inadvertently left out
  - \$200/month/officer is the current rate
  - 13 new non-supervisory positions = **\$62,400 total** (\$53,412 general; \$8,988 special funds)

**Total Requested Correction**  
**\$710,230**

# BILLS IMPACTING AGENCY

- HB 1060\* – Permit Purchasing Options
- HB 1061 – Stop Sign Right-of-Way, Obstructed Windshield
- SB 2053 – Patrolman to Trooper, Accident to Crash
- SB 2054\* – Dignitary Protection and Door Access Responsibilities
- SB 2120\* – Non-Interstate Overweight Vehicle Fees
- HB 1040/ SB 2239 – PERS Main Plan Adjustments
- SB 2362 – Primary Seatbelt

*\*Passed the House & Senate*



# BILLS IMPACTING AGENCY

## SB 2015



- **Equity Adjustment**
  - \$90 million
  - Emergency clause
- **Annual Performance Increases**
  - 6% year one
  - 4% year two
- **Fully Funded Health Insurance**

# HOUSE ONGOING FUNDING CHANGES

## ■ Salary Increases

- Decrease from executive recommendation to the house version of (\$830,972) is the difference between the Governor's 6/4% proposal compared to the House 4/4% proposal.
- **Request to maintain the 6/4% as provided in the executive budget**

## ■ Health Insurance

- House version contained \$22,441 increase in health coverage

# HOUSE ONGOING FUNDING CHANGES

## ■ Backfill of Criminal Interdiction Troopers

- House version retained the 5 FTE, but revised the total salary by adding an additional \$58,519
- This was a request to during house testimony to account for one of the positions being a sergeant at a higher pay rate.

## ■ Additional Criminal Interdiction Troopers

- House version removed (3) of the (5) requested FTE's, which resulted in a decrease of (\$852,252)

# HOUSE ONGOING FUNDING CHANGES

- **Additional Capitol Security Troopers**
  - House version removed both of the (2) requested FTE's and the associated funding (\$568,170)
- **Motor Carrier (MCSAP Program) Troopers**
  - House version removed (1) of the (2) requested FTE's and the associated federal appropriation/funding (\$337,179)
- **Technology Enhancements**
  - House version removed (\$129,000) of the \$262,000 requested, \$133,000 remains
- **Recruitment and Advertising**
  - House version removed (\$12,500) of the \$50,000 requested, \$37,500 remains

# HOUSE ONE-TIME FUNDING CHANGES

## ■ New Trooper Costs

- One time equipment funds added for (4) additional FTE's
- There was an omission in the original executive recommendation of one-time equipment costs of 53,000/additional FTE.
- Current house version has correct amount for the (9) FTE's approved in the house version.

# HOUSE ONE-TIME FUNDING CHANGES

- Technology Enhancements

- Removal of Academy On-Line Learning and Training Management Software packages, and FTO software (\$113,200)

- Fargo Garage Addition

- Removed (\$722,000)

- Shooting Range Targeting System

- Added \$200,000



# FEDERAL ASSET FORFEITURE

## Federal eShare Program

- Redistribution of assets to state and local agencies which were part of the case
- Assets may not co-mingle with state assets
- There are different spending uses and requirements
  - Law enforcement operations and investigations
  - Law enforcement training and education
  - Law enforcement, public safety, and detention facilities
  - Law enforcement equipment
  - Joint law enforcement/public safety operations
  - Contracts for services
  - Law enforcement travel and per diem
  - Law enforcement awards and memorials
  - Drug, gang, and other prevention or awareness programs
  - Matching grants
  - Support of community-based organizations
- May not be distributed into the general fund

# FEDERAL ASSET FORFEITURE

## Current language:

**39-03-18. Highway patrol - Assets forfeiture fund - Purpose - Continuing appropriation.**

There is created a fund to be known as the highway patrol assets forfeiture fund. The fund consists of funds obtained from moneys, assets, and proceeds seized and forfeited pursuant to section 19-03.1-36, amounts received through court proceedings as restitution, and amounts remaining from the forfeiture of property after the payment of expenses for forfeiture and sale authorized by law. The total amount of deposits into the fund may not exceed three hundred thousand dollars within a biennium and any moneys in excess of that amount must be deposited in the general fund. The funds are appropriated as a continuing appropriation to the highway patrol for the following purposes:

1. For paying expenses necessary to inventory, safeguard, maintain, advertise, or sell property seized, detained, or forfeited, pursuant to section 19-03.1-36, or of any other necessary expenses incident to the seizure, detention, or forfeiture of the property.
2. For paying overtime compensation incurred as a result of investigations or violations of any state criminal law or law relating to the control of drug abuse.
3. For purchasing equipment related to criminal interdiction.
4. For paying matching funds required as a condition for receipt of funds from a federal government program awarding monetary grants or assistance for the investigation or apprehension of persons violating the provisions of chapter 19-03.1.

The superintendent of the highway patrol, with the concurrence of the director of the office of management and budget, shall establish the necessary accounting procedures for the use of the fund and shall personally approve, in writing, all requests for the use of the fund.

# FEDERAL ASSET FORFEITURE

## Proposed Language Options:

**NEW: Highway patrol – Federal assets forfeiture fund – Purpose – Continuing appropriation.**

There is created a fund to be known as the highway patrol federal assets forfeiture fund. The fund consists of funds obtained through federal asset forfeiture sharing programs. Funds received through federal sharing programs shall not be deposited in the same account as other assets forfeited pursuant to 39-03-18. Deposits in excess of three hundred thousand dollars within a biennium must remain in the fund until appropriation authority is granted during the subsequent legislative session. The funds, up to three hundred thousand dollars are appropriated as a continuing appropriation to the highway patrol. Funding shall only be used for eligible purchases as outlined by the US Department of Justice and US Department of Treasury.

The superintendent of the highway patrol, with the concurrence of the director of the office of management and budget, shall establish the necessary accounting procedures in accordance to the federal asset sharing program for the use of the fund and shall personally approve, in writing, all requests for the use of the fund.

# PER DIEM FOR NEW POSITIONS

- Section 6 of HB1011 includes \$200/month per diem for troopers
- **We would need to add that amount for each additional trooper. With the (9) additional positions in the house version, the amount of per diem is \$43,200.**
- The amount would increase/decrease by \$4,800 per trooper FTE added or removed

# ON-CALL AND OVERTIME PAY

- 67<sup>th</sup> Legislative assembly provided funding with a goal of 1/4<sup>th</sup> pay for on-call
- Implementation was at 1/5<sup>th</sup> pay rate while on-call
- Additional funding needed to maintain 1/5<sup>th</sup> on-call rate and overtime rate with increases in salary adjustment packages
- Additional funding will be needed to maintain 1/5<sup>th</sup> rate and overtime rate increases if equity bill through OMB passes

# ON-CALL AND OVERTIME NEEDS

Current Overtime and On-Call Pay Budget

	Current Budget Total	Current Budget State (86/14)	Current Budget Federal
Overtime	\$ 1,872,000.00	\$ 1,032,000.00	\$ 840,000.00
On-Call	\$ 1,056,000.00	\$ 982,000.00	\$ 74,000.00
<b>Total</b>	<b>\$ 2,928,000.00</b>	<b>\$ 2,014,000.00</b>	<b>\$ 914,000.00</b>

Additional Funding – House 4/4% Increases

	Increase Needed House 4/4% Total	Increase Needed House 4/4% State Funds	Increase Needed House 4/4% Federal Funds/Auth
Overtime	\$ 152,755.20	\$ 84,211.20	\$ 68,544.00
On-Call	\$ 86,169.60	\$ 80,131.20	\$ 6,038.40
<b>Total</b>	<b>\$ 238,924.80</b>	<b>\$ 164,342.40</b>	<b>\$ 74,582.40</b>

Additional Funding – Executive 6/4% Increases

	Increase Needed Executive 6/4% Total	Increase Needed Executive 6/4% State Funds	Increase Needed Executive 6/4% Federal Funds/Auth
Overtime	\$ 191,692.80	\$ 105,676.80	\$ 86,016.00
On-Call	\$ 108,134.40	\$ 100,556.80	\$ 7,577.60
<b>Total</b>	<b>\$ 299,827.20</b>	<b>\$ 206,233.60</b>	<b>\$ 93,593.60</b>

Additional Funding Needed – Equity Pool

	Increase Needed Equity (~4%) Total Funds	Increase Needed Equity (~4%) State Funds	Increase Needed Equity (~4%) Federal Funds
Overtime	\$ 74,880.00	\$ 41,280.00	\$ 33,600.00
On-Call	\$ 42,240.00	\$ 39,280.00	\$ 2,960.00
<b>Total</b>	<b>\$ 117,120.00</b>	<b>\$ 80,560.00</b>	<b>\$ 36,560.00</b>

# HIGHWAY PATROL RETIREMENT SYSTEM INFUSION

- A \$3,000,000 request was presented to the house, reduced to \$2,000,000
- Fund 276 – Electronic Motor Carrier Permit Fund

# HIGHWAY PATROL PERS FUND

- **Annual 0.5% employee and employer increases**
  - Started January 1, 2022
  - Ending January 1, 2025 (4% total)
  - Reduced the impact of 1.5% and 2% salary increases
- **Actuarial valuation results – October 25, 2022**
  - 16% below “actuarially required rate” for contributions (vs 19%)
  - Funded ratio from around 70% currently to around 40% by 2062
  - Plan would eventually become insolvent
- **Options to explore**





# HIGHWAY PATROL PERS MISPERCEPTIONS

- ***Do most troopers retire at age 50?***

- Early retirement would result in a 6% reduction per year in benefits prior to age 55 (e.g., 30% less at age 50 absent the rule of 80)
- The mandatory retirement age is 60

- ***Can troopers retire early with full benefits?***

- Troopers are vested after 10 years of service (versus 3 years for Main/Public Safety plans)
- Retirement benefits are calculated using the multiplier which is 3.6% for the first 25 years and then 1.75% thereafter

- ***Do troopers get social security benefits?***

- Troopers do not pay into social security – there are no employee/employer contributions
- Troopers do not earn social security service credits

# PERS PLAN COMPARISON

<b>PERS Plans - As of January 2025</b>	<b>Main</b>	<b>Public Safety</b>	<b>Highway Patrol</b>
Employee PERS Contribution*	3	1.5	11.3
Employee Social Security Contribution	6.2	6.2	0
<b>Total Employee Contribution</b>	<b>9.2</b>	<b>7.7</b>	<b>11.3</b>
Employer PERS Contribution	12.26	11.93	25.7
Employer Social Security Contribution	6.2	6.2	0
Medicare	1.45	1.45	1.45
Health Insurance Credit	0	1.14	1.14
<b>Total Employer Contribution</b>	<b>19.91</b>	<b>20.72</b>	<b>28.29</b>
<b>Total Combined Contribution</b>	<b>29.11</b>	<b>28.42</b>	<b>39.59</b>
<b>Vesting</b>	<b>3 years - age 65</b>	<b>3 years</b>	<b>10 years</b>
<b>Early Retirement Age</b>	<b>60</b>	<b>50</b>	<b>50</b>
<b>Normal Retirement Age</b>	<b>Rule of 90 - age 65</b>	<b>Rule of 85 - age 55</b>	<b>Rule of 80 - age 55</b>
<b>Benefit Formula</b>	<b>1.75%</b>	<b>1.75%</b>	<b>3.6% for 25 years then 1.75%</b>
<b>Early Retirement Reduction</b>	<b>8%/year</b>	<b>6%/year</b>	<b>6%/year</b>

\*Factoring 4% of employee portion covered by the state.

# COMPENSATION AND BENEFITS

2021-23 Biennium	Request	Appropriation
Equity Pay	\$1,532,000	\$1,532,000
On-Call Pay	\$912,000	\$560,500
Location-Based Pay	\$172,800	\$0
<b>Total</b>	<b>\$2,616,800</b>	<b>\$2,092,500</b>

## Last Session's Goals

- Restore competitive pay
- 1/4 time for on-call pay
- Revive location-based pay

## Outcomes

- Remained in 7<sup>th</sup> place
- 1/5 time\* for on-call pay (24-hr)
- No location-based pay

*\*On-call expenses will increase with salaries*

# COMPENSATION AND BENEFITS

- The Williams County Sheriff's Office recently increased top pay for corporal by 22%
- A recent North Dakota Association of Counties study found that of ND law enforcement officers leaving their agency:
  - 48% went to another local ND law enforcement agency
  - 17% left ND
  - Only 3% went to the NDHP



# WORKFORCE ISSUES

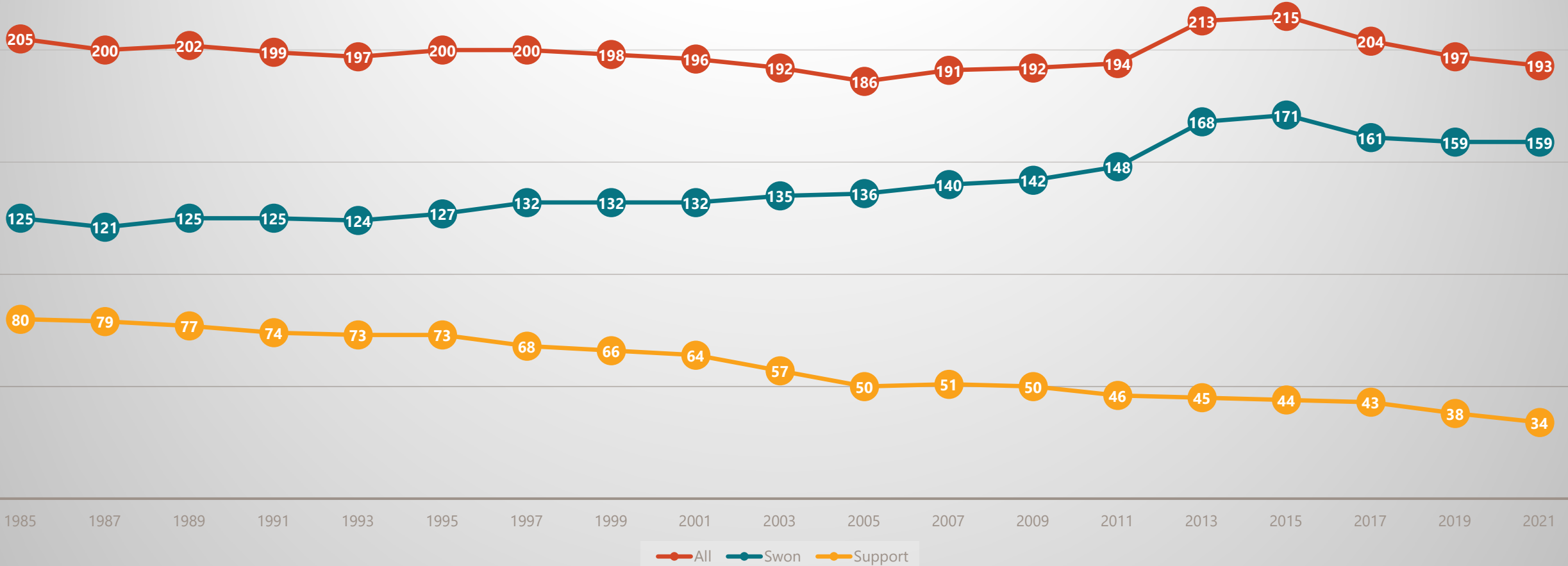
- 7<sup>th</sup> place in top pay among law enforcement agencies in ND
  - Used to be one of the most competitive
- High education and training requirements
  - Bachelor's degree or 60 semester hours/two years experience
  - 4-5 month hiring cycle
  - 6-month training academy
  - 2 months of field training
- Statewide post locations with limited initial offerings
  - Promotions often require a transfer/relocation

# WORKFORCE ISSUES

- Negative portrayals and attitudes toward law enforcement across the nation
- Unpredictable and dangerous profession
  - Various physical and mental health factors such as violent altercations, vehicle pursuits, hypervigilance, cumulative stress, vicarious trauma, poor sleep cycles, extreme weather, etc.
- FTEs reduced by 10% - from 215 to 193 (205 in 1985)
  - North Dakota's population has increased by 15% since 1985
  - Vehicle miles traveled have increased by 67% since 1985

# HISTORICAL STAFFING

NDHP Authorized FTDs per Biennium: 1985-2019



# WORKFORCE ISSUES

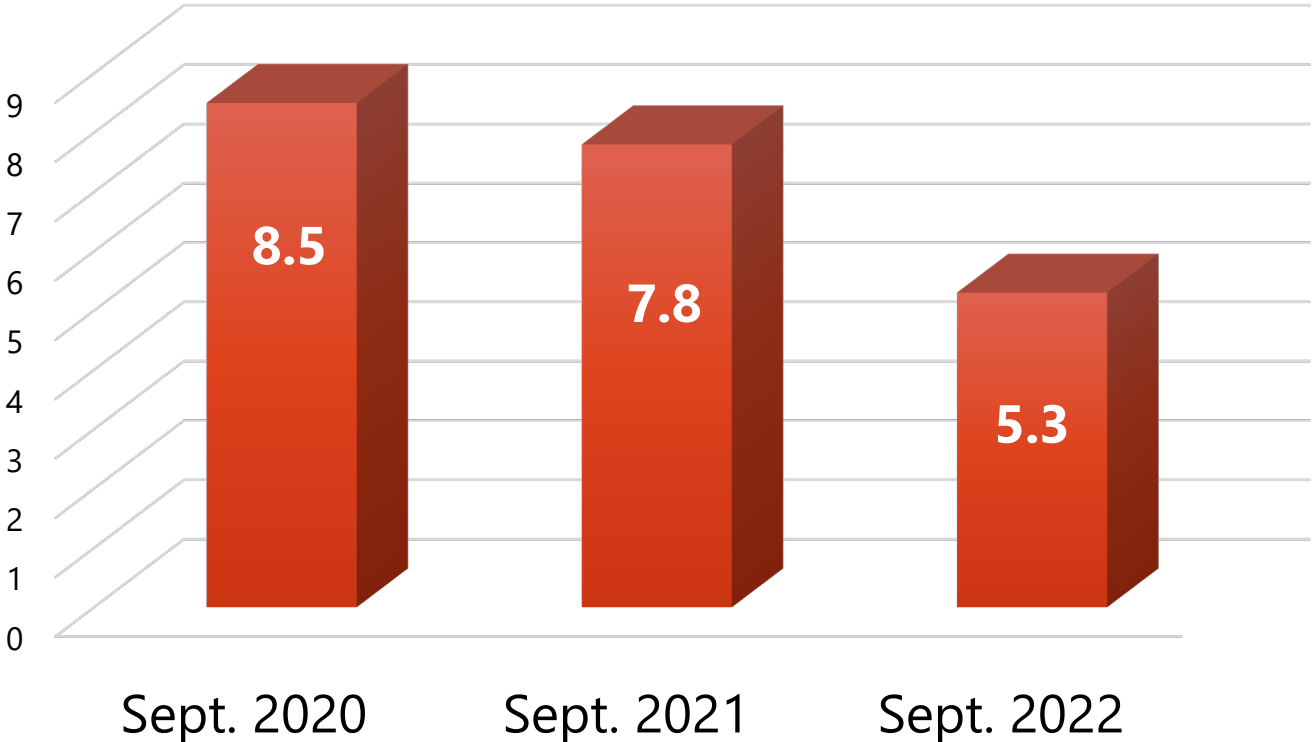
- Troopers stationed in 30 of 53 counties (43% without)
- Troopers provide specialized services to local agencies
  - Advanced crash investigation
  - Commercial motor vehicle enforcement
  - Supplemental emergency assistance and backup
- 91 core traffic enforcement troopers covering 70,700 sq. miles
  - Historical vacancy rate of 5-6 troopers/month (rarely ever fully-staffed)





# WORKFORCE ISSUES

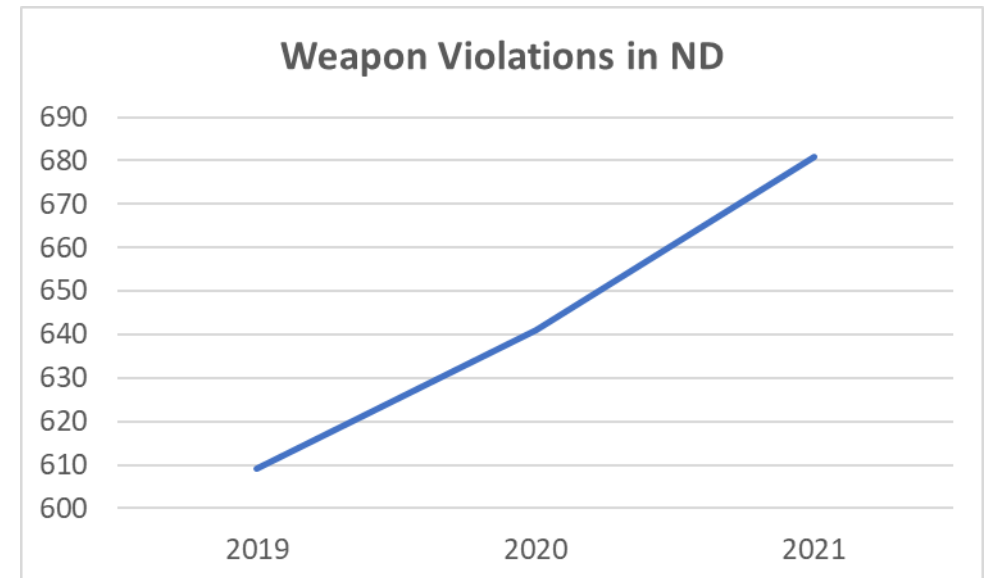
## NDHP qualified applicants per open position



# DANGEROUS & UNPREDICTABLE PROFESSION

## Officer-Involved Shootings in North Dakota

- September 7, 2021: Interstate 94 west of Mandan (NDHP)
- February 7, 2022: Rural residence in Grand Forks County (Grand Forks SO)
- April 21, 2022: Mott-Regent Public School in Mott (Hettinger SO)
- July 8, 2022: Residential garage in Fargo (Fargo PD)
- July 19, 2022: Interstate 94 in Fargo (NDHP)
- August 1, 2022: Residence in Mapleton (Fargo PD Swat)
- December 9, 2022: Traffic stop in Williston (Williston PD)



# DANGEROUS & UNPREDICTABLE PROFESSION



- Multi-vehicle crash on November 9, 2022
- Ice covered roadways near Jamestown
- Trooper Breitbach's vehicle struck
- Seven additional crashes involving 18 vehicles
- No serious injuries or deaths



Questions?

# House Bill 1011

March 8, 2023



NORTH  
**Dakota** | Highway Patrol  
Be Legendary.

**Highway Patrol - Budget No. 504  
House Bill No. 1011  
Base Level Funding Changes**

	Executive Budget Recommendation				House Version				House Changes to Executive Budget Increase (Decrease) - Executive Budget			
	FTE Positions	General Fund	Other Funds	Total	FTE Positions	General Fund	Other Funds	Total	FTE Positions	General Fund	Other Funds	Total
<b>2023-25 Biennium Base Level</b>	193.00	\$36,327,762	\$25,785,652	\$62,113,414	193.00	\$36,327,762	\$25,785,652	\$62,113,414	0.00	\$0	\$0	\$0
<b>2023-25 Ongoing Funding Changes</b>												
Base payroll and budget changes		\$460,502	\$227,861	\$688,363		\$460,502	\$227,861	\$688,363				\$0
Salary increase		2,453,942	855,161	3,309,103		1,837,423	640,708	2,478,131		(616,519)	(214,453)	(830,972)
Health insurance increase		713,640	261,884	975,524		730,057	267,908	997,965		16,417	6,024	22,441
Retirement increase - Highway Patrolmen's retirement fund		335,523	54,620	390,143		335,523	54,620	390,143				0
Adjust COVID-19 salary funding		6,966,000	(6,966,000)	0		6,966,000	(6,966,000)	0				0
Backfill criminal interdiction troopers	5.00	1,221,557	198,859	1,420,416	5.00	1,272,224	207,107	1,479,331		50,667	8,248	58,915
Additional criminal interdiction troopers	5.00	1,221,560	198,860	1,420,420	x1 2.00	488,624	79,544	568,168	(3.00)	(732,936)	(119,316)	(852,252)
Capitol Security troopers	2.00	489,066	79,104	568,170	x1 1.00			0	(2.00)	(489,066)	(79,104)	(568,170)
Drug recognition trooper	1.00		284,082	284,082	x1 1.00		284,082	284,082				0
Motor carrier troopers	2.00	33,708	640,650	674,358		16,854	320,325	337,179	(1.00)	(16,854)	(320,325)	(337,179)
Lease rate increase		106,000	17,000	123,000		106,000	17,000	123,000				0
Additional warehouse space		106,000	17,000	123,000		106,000	17,000	123,000				0
New Capitol space rent model		74,274		74,274		74,274		74,274				0
Unmanned aerial vehicle enhancements		1,000		1,000		1,000		1,000				0
Technology enhancements		226,000	36,000	262,000		114,380	18,620	133,000		(111,620)	(17,380)	(129,000)
Recruitment and advertising initiative		43,000	7,000	50,000		32,250	5,250	37,500		(10,750)	(1,750)	(12,500)
Total ongoing funding changes	15.00	\$14,451,772	(\$4,087,919)	\$10,363,853	x3 9.00	\$12,541,111	(\$4,825,975)	\$7,715,136	(6.00)	(\$1,910,661)	(\$738,056)	(\$2,648,717)
<b>One-Time Funding Items</b>												
New trooper one-time costs		\$228,000	\$37,000	\$265,000		\$377,844	\$99,156	\$477,000		\$149,844	\$62,156	\$212,000
State Fleet mileage increase		1,706,000	336,000	2,042,000		1,706,000	336,000	2,042,000				0
Inflationary increases		448,000	72,000	520,000		448,000	72,000	520,000				0
Narcotics tester		52,000	8,000	60,000		52,000	8,000	60,000				0
Unmanned aerial vehicle enhancements - One-time		89,000	15,000	104,000		89,000	15,000	104,000				0
Motor carrier program enhancements		23,000	404,000	427,000		23,000	404,000	427,000				0
Technology enhancements - One-time		244,200	39,000	283,200		146,200	23,800	170,000		(98,000)	(15,200)	(113,200)
Fargo garage addition		622,000	100,000	722,000				0		(622,000)	(100,000)	(722,000)
Shooting range targeting system (MCEPF)				0	Delist 0.00		200,000	200,000			200,000	200,000
Total one-time funding changes	0.00	\$3,412,200	\$1,011,000	\$4,423,200	0.00	\$2,842,044	\$1,157,956	\$4,000,000	0.00	(\$570,156)	\$146,956	(\$423,200)
<b>Total Changes to Base Level Funding</b>	15.00	\$17,863,972	(\$3,076,919)	\$14,787,053	9.00	\$15,383,155	(\$3,668,019)	\$11,715,136	(6.00)	(\$2,480,817)	(\$591,100)	(\$3,071,917)
<b>2023-25 Total Funding</b>	208.00	\$54,191,734	\$22,708,733	\$76,900,467	202.00	\$51,710,917	\$22,117,633	\$73,828,550	(6.00)	(\$2,480,817)	(\$591,100)	(\$3,071,917)
Federal funds included in other funds			\$9,270,174				\$8,894,222				(\$375,952)	
Total ongoing changes as a percentage of base level	7.8%	39.8%	(15.9%)	16.7%	4.7%	34.5%	(18.7%)	12.4%				
Total changes as a percentage of base level	7.8%	49.2%	(11.9%)	23.8%	4.7%	42.3%	(14.2%)	18.9%				

**Other Sections in Highway Patrol - Budget No. 504**

	<u>Executive Budget Recommendation</u>	<u>House Version</u>
Highway tax distribution fund	Section 3 would provide for \$11,989,604 of special funds from the highway tax distribution fund to be used for Highway Patrol operations.	Section 3 provides for \$11,575,949 of special funds from the highway tax distribution fund to be used for Highway Patrol operations.
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HB 1011 Committee Work  
Major Aaron Hummel  
March 17, 2023



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Highway Patrol - Budget No. 504  
House Bill No. 1011  
Base Level Funding Changes

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Adjust COVID-19 salary funding		6,966,000	(6,966,000)	0	6,966,000	(6,966,000)	0	0				0
Backfill criminal interdiction troopers	5.00	1,221,557	198,859	1,420,416	5.00	1,272,224	207,107	1,479,331		50,667	8,248	58,915
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# HB 1011 SECTIONS

## Other Sections in Highway Patrol - Budget No. 504

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# HOUSE ONGOING FUNDING CHANGES

- **Salary Increases**
  - Decrease from executive recommendation to the House version: **-\$830,972**
  - Reduction from 6/4% to 4/4% annual salary adjustments
  - **Request to maintain 6/4% as provided in the executive recommendation**
  - **Supportive of \$90 million equity adjustments included in SB 2015 (OMB)**
- **Health Insurance**
  - House version included a \$22,441 adjustment for health insurance



## HOUSE ONGOING FUNDING CHANGES

- **Backfill of Criminal Interdiction Troopers**
  - House version retained the five FTEs, but revised the total salary by adding an additional \$58,915 to cover the higher salary for one sergeant position
- **Additional Criminal Interdiction Troopers**
  - House version removed three of the five requested FTE's (two remained)
  - Decrease of \$852,252
- **Additional Capitol Security Troopers**
  - House version removed two FTE's and the associated funding
  - Decrease of \$568,170

## HOUSE ONGOING FUNDING CHANGES

- **Motor Carrier (MCSAP Program) Troopers**
  - House version removed one FTE and the associated funding (one FTE remained)
  - Decrease of \$337,179
- **Technology Enhancements**
  - House version removed \$129,000 of the \$262,000 requested (\$133,000 remained):
    - Academy management software - \$50,000
    - Remote/virtual learning software - \$70,000
    - Field training software - \$9,000
- **Recruitment and Advertising**
  - House version removed \$12,500 (25%) of the \$50,000 requested (\$37,500 remained)

# HOUSE ONE-TIME FUNDING CHANGES

## ■ New Trooper Costs

- There was an omission in the original executive recommendation for one-time equipment costs of \$53,000 for each new sworn officer position
- One-time equipment costs were added by the House for four additional FTE's
  - The five criminal interdiction backfill officers included these one-time costs, but the four additional FTEs did not
- Current House version has the correct amount for nine additional FTEs

# HOUSE ONE-TIME FUNDING CHANGES

## ■ Technology Enhancements

- House version removed one-time funding of \$113,200 for three IT requests:
  - Academy management software - \$35,000
  - Remote/virtual learning software - \$72,000
  - Field training software - \$6,200

## ■ Fargo Garage Addition (DOT Property)

- House removed this project pending potential ARPA funding
- Decrease of \$722,000

## ■ Shooting Range Targeting System

- House added \$200,000 from the electronic motor carrier permit fund (fund 276) for this project

## ADDITIONAL CONSIDERATIONS

- Commercial Vehicle Information Exchange Window (CVIEW)
- Federal equitable sharing program (eShare)
- Per diem for additional troopers
- On-call and overtime pay
- Highway patrol PERS plan infusion

## COMMERCIAL VEHICLE EXCHANGE WINDOW (CVIEW)

### 67<sup>th</sup> Legislative Assembly

- Approved \$50,000 for top level design document – Phase 1 (completed)
- \$225,000 for purchase of CVIEW – Phase 2 (pending)
  - Won't be completed by June 30<sup>th</sup>, 2023
- **Request carryover of \$225,000 (federal spending authority)**
- **Additional request of \$150,000 (federal spending authority) for the associated NDIT large project management, network, and security-related costs**
- Funding comes from MCSAP high priority technology grants (100% federal)

## Federal eShare Program (federal asset forfeiture funds)

- Redistribution of assets from a federal agency to participating state and local agencies
- Federal forfeiture funds may not co-mingle with state funds
- Restricted spending requirements
  - Law enforcement operations and investigations
  - Law enforcement training and education
  - Law enforcement, public safety, and detention facilities
  - Law enforcement equipment
  - Joint law enforcement/public safety operations
  - Contracts for services
  - Law enforcement travel and per diem
  - Law enforcement awards and memorials
  - Drug, gang, and other prevention or awareness programs
  - Matching grants
  - Support of community-based organizations
- Funds may not be distributed into the general fund

## STATE ASSET FORFEITURE FUNDS

### Current language for state asset forfeiture funds:

**39-03-18. Highway patrol - Assets forfeiture fund - Purpose - Continuing appropriation.**

There is created a fund to be known as the highway patrol assets forfeiture fund. The fund consists of funds obtained from moneys, assets, and proceeds seized and forfeited pursuant to section 19-03.1-36, amounts received through court proceedings as restitution, and amounts remaining from the forfeiture of property after the payment of expenses for forfeiture and sale authorized by law. The total amount of deposits into the fund may not exceed three hundred thousand dollars within a biennium and any moneys in excess of that amount must be deposited in the general fund. The funds are appropriated as a continuing appropriation to the highway patrol for the following purposes:

1. For paying expenses necessary to inventory, safeguard, maintain, advertise, or sell property seized, detained, or forfeited, pursuant to section 19-03.1-36, or of any other necessary expenses incident to the seizure, detention, or forfeiture of the property.
2. For paying overtime compensation incurred as a result of investigations or violations of any state criminal law or law relating to the control of drug abuse.
3. For purchasing equipment related to criminal interdiction.
4. For paying matching funds required as a condition for receipt of funds from a federal government program awarding monetary grants or assistance for the investigation or apprehension of persons violating the provisions of chapter 19-03.1.

The superintendent of the highway patrol, with the concurrence of the director of the office of management and budget, shall establish the necessary accounting procedures for the use of the fund and shall personally approve, in writing, all requests for the use of the fund.

# FEDERAL ASSET FORFEITURE FUNDS

## Proposed language to cover federal asset forfeiture funds:

**NEW: Highway patrol – Federal assets forfeiture fund – Purpose – Continuing appropriation.**

There is created a fund to be known as the highway patrol federal assets forfeiture fund. The fund consists of funds obtained through federal asset forfeiture sharing programs. Funds received through federal sharing programs shall not be deposited in the same account as other assets forfeited pursuant to 39-03-18. Deposits in excess of three hundred thousand dollars within a biennium must remain in the fund until appropriation authority is granted during the subsequent legislative session. The funds, up to three hundred thousand dollars are appropriated as a continuing appropriation to the highway patrol. Funding shall only be used for eligible purchases as outlined by the US Department of Justice and US Department of Treasury.

The superintendent of the highway patrol, with the concurrence of the director of the office of management and budget, shall establish the necessary accounting procedures in accordance to the federal asset sharing program for the use of the fund and shall personally approve, in writing, all requests for the use of the fund.

## PER DIEM FOR NEW SWORN OFFICERS

- Section 6 of HB1011 includes \$200/month per diem for troopers
- Request to add that amount for each new trooper
- House version: Nine new positions would be \$43,200
  
- Amount would increase/decrease by \$4,800 per new sworn officer position that is added or removed

# ON-CALL AND OVERTIME PAY

- 67<sup>th</sup> Legislative assembly provided funding for on-call pay
  - Up to 1/4 of an officer's hourly rate of pay was authorized
  - 1/5 pay for on-call time was implemented based on funding
- Overtime is paid at 1 ½ times the hourly rate of pay
- Adjustments to salary levels would impact on-call and overtime pay
  - Equity adjustments (SB 2015)
  - Annual salary increases (currently 4/4%)

# ON-CALL AND OVERTIME IMPACT

Current Overtime and On-Call Pay Budget

	Current Budget Total	Current Budget State (86/14)	Current Budget Federal
Overtime	\$ 1,872,000.00	\$ 1,032,000.00	\$ 840,000.00
On-Call	\$ 1,056,000.00	\$ 982,000.00	\$ 74,000.00
<b>Total</b>	<b>\$ 2,928,000.00</b>	<b>\$ 2,014,000.00</b>	<b>\$ 914,000.00</b>

Additional Funding – 4/4% Increases

	Increase Needed House 4/4% Total	Increase Needed House 4/4% State Funds	Increase Needed House 4/4% Federal Funds/Auth
Overtime	\$ 152,755.20	\$ 84,211.20	\$ 68,544.00
On-Call	\$ 86,169.60	\$ 80,131.20	\$ 6,038.40
<b>Total</b>	<b>\$ 238,924.80</b>	<b>\$ 164,342.40</b>	<b>\$ 74,582.40</b>

Additional Funding – 6/4% Increases

	Increase Needed Executive 6/4% Total	Increase Needed Executive 6/4% State Funds	Increase Needed Executive 6/4% Federal Funds/Auth
Overtime	\$ 191,692.80	\$ 105,676.80	\$ 86,016.00
On-Call	\$ 108,134.40	\$ 100,556.80	\$ 7,577.60
<b>Total</b>	<b>\$ 299,827.20</b>	<b>\$ 206,233.60</b>	<b>\$ 93,593.60</b>

Additional Funding – \$90M Equity Pool

	Increase Needed Equity (~4%) Total Funds	Increase Needed Equity (~4%) State Funds	Increase Needed Equity (~4%) Federal Funds
Overtime	\$ 74,880.00	\$ 41,280.00	\$ 33,600.00
On-Call	\$ 42,240.00	\$ 39,280.00	\$ 2,960.00
<b>Total</b>	<b>\$ 117,120.00</b>	<b>\$ 80,560.00</b>	<b>\$ 36,560.00</b>

**\$416,947 total**

# HIGHWAY PATROL RETIREMENT SYSTEM INFUSION

- A \$3 million request was presented to the House
  - \$2,000,000 was added
  - Learned actuarial update requires Employee Benefits Programs Committee
  
- \$3 million requested to address \$43-47 million projected shortfall
  
- From Fund 276 – Electronic Motor Carrier Permit Fund
  
- Research additional options during the interim

## PERS PLAN COMPARISON

PERS Plans - As of January 2025	Main	Public Safety	Highway Patrol
Employee PERS Contribution*	3	1.5	11.3
Employee Social Security Contribution	6.2	6.2	0
<b>Total Employee Contribution</b>	<b>9.2</b>	<b>7.7</b>	<b>11.3</b>
Employer PERS Contribution	12.26	11.93	25.7
Employer Social Security Contribution	6.2	6.2	0
Medicare	1.45	1.45	1.45
Health Insurance Credit	0	1.14	1.14
<b>Total Employer Contribution</b>	<b>19.91</b>	<b>20.72</b>	<b>28.29</b>
<b>Total Combined Contribution</b>	<b>29.11</b>	<b>28.42</b>	<b>39.59</b>
<b>Vesting</b>	<b>3 years - age 65</b>	<b>3 years</b>	<b>10 years</b>
<b>Early Retirement Age</b>	<b>60</b>	<b>50</b>	<b>50</b>
<b>Normal Retirement Age</b>	<b>Rule of 90 - age 65</b>	<b>Rule of 85 - age 55</b>	<b>Rule of 80 - age 55</b>
<b>Benefit Formula</b>	<b>1.75%</b>	<b>1.75%</b>	<b>3.6% for 25 years then 1.75%</b>
<b>Early Retirement Reduction</b>	<b>8%/year</b>	<b>6%/year</b>	<b>6%/year</b>

\*Factoring 4% of employee portion covered by the state.

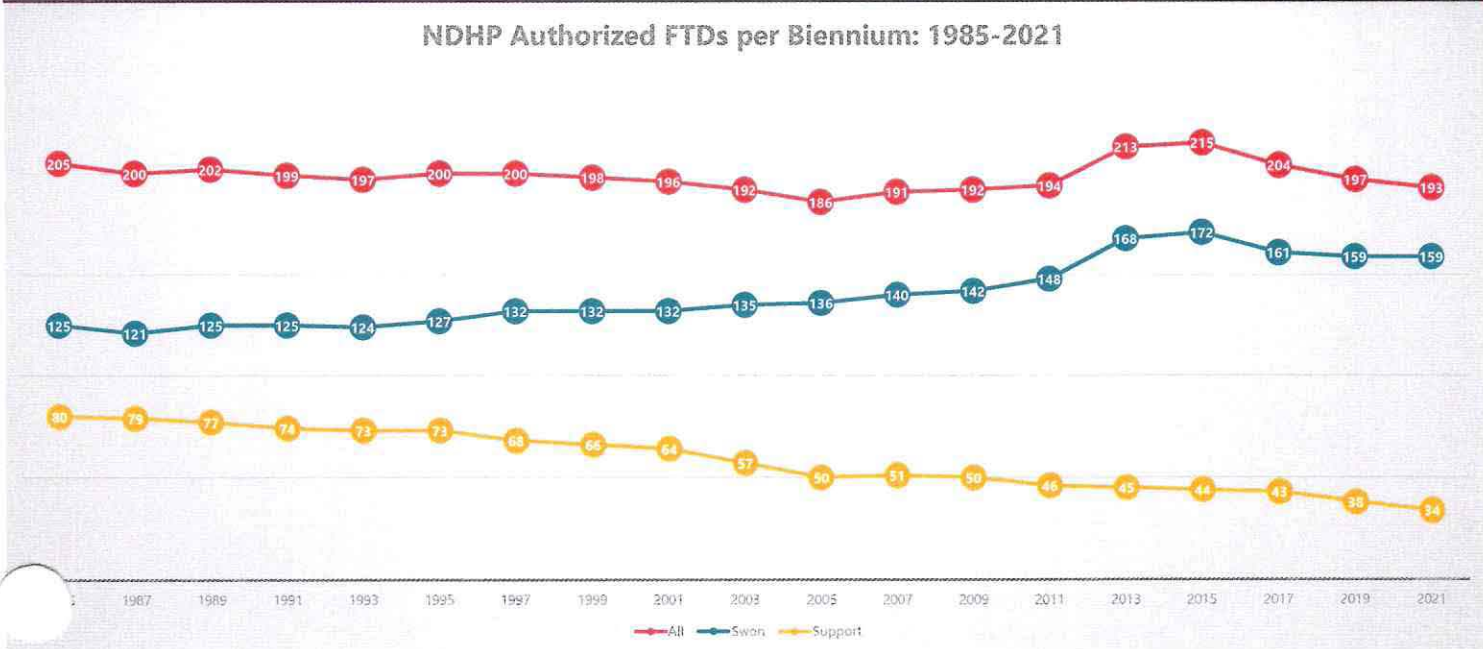
# PRIORITIZATION OF AGENCY NEEDS

- **1<sup>st</sup> Round of Prioritization:** Highway patrol's budget request
  - 27 FTEs
  - \$79,130,861 (\$75,821,758 request plus executive \$3,309,103 salary increases)
- **2<sup>nd</sup> Round:** Executive budget recommendation
  - 15 FTEs (-12 from request)
  - \$76,900,467 (-\$2,230,394 from request; includes 6/4% salary increases)
- **3<sup>rd</sup> Round:** House version of HB 1011
  - 9 FTEs (-18 from request; -6 from executive recommendation)
  - \$73,828,550 (-\$5,302,311 from request; -\$3,071,917 from executive)

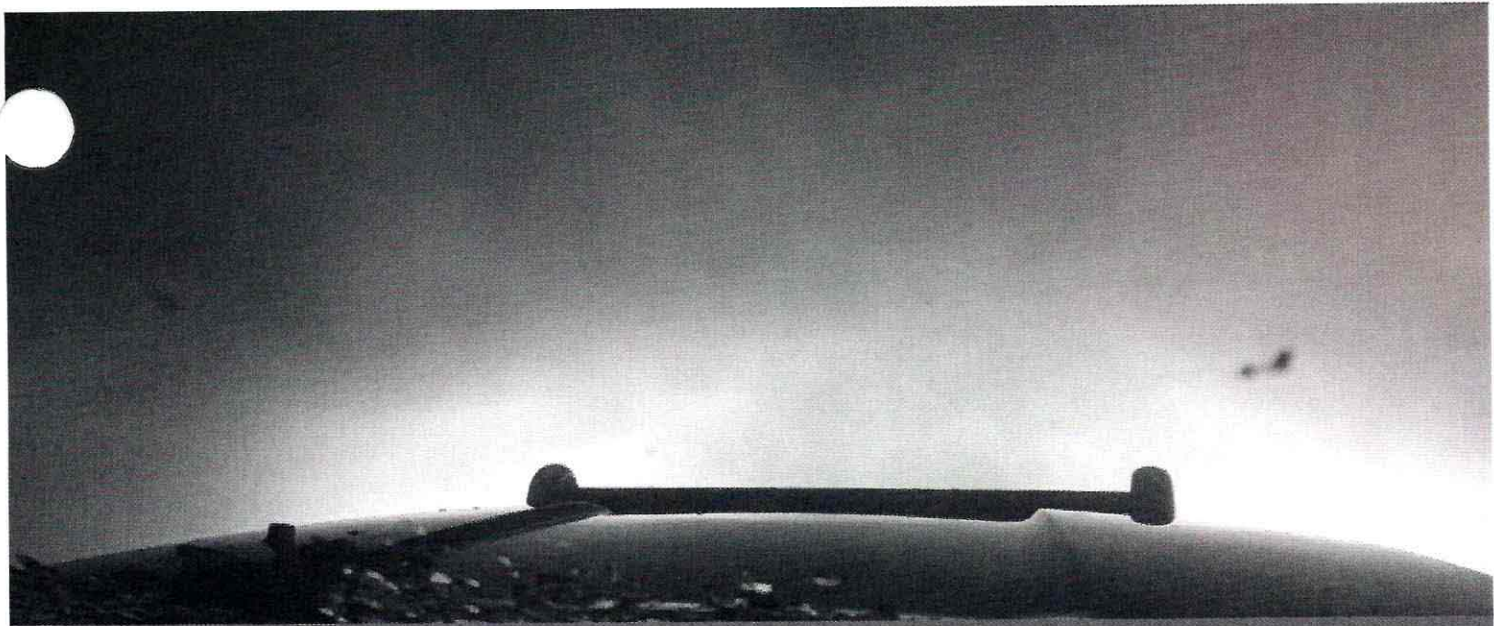


# HISTORICAL STAFFING

NDHP Authorized FTDs per Biennium: 1985-2021







# House Bill 1011

March 17, 2023



NORTH  
**Dakota** | Highway Patrol  
Be Legendary.

**39-03-18.1. Highway patrol - Federal assets forfeiture fund - Purpose - Continuing appropriation.**

There is created in the state treasury the highway patrol federal assets forfeiture fund. The fund consists of moneys received through federal asset forfeiture sharing programs. Funds received through federal sharing programs may not be deposited in the same account as assets forfeited pursuant to section 39-03-18. Up to three hundred thousand dollars are appropriated from the fund on a continuing basis each biennium to the highway patrol. Funding may be used only for eligible purchases identified by the federal department of justice and federal department of treasury. The superintendent, with the concurrence of the director of the office of management and budget, shall establish the necessary accounting procedures in accordance with the federal asset sharing program for the use of the fund and shall approval all requests for use of moneys in the fund.

23.0240.02001  
 Title.  
 Fiscal No. 1

Prepared by the Legislative Council staff for  
 Senator Rust  
 March 28, 2023

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1011

Page 1, line 1, after "patrol" insert "; to create and enact section 39-03-18.1 of the North Dakota Century Code, relating to a federal assets forfeiture fund; to provide an exemption; to provide a continuing appropriation"

Page 1, replace lines 11 through 15 with:

"Highway patrol	\$62,113,414	\$8,633,574	\$70,746,988
Total all funds	\$62,113,414	\$8,633,574	\$70,746,988
Less estimated income	<u>25,785,652</u>	<u>(4,512,750)</u>	<u>21,272,902</u>
Total general fund	\$36,327,762	\$13,146,324	\$49,474,086
Full-time equivalent positions	193.00	12.00	205.00"

Page 1, replace line 21 with:

"Commercial motor carrier system	\$275,000	\$150,000"
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Page 2, replace line 2 with:

"New trooper startup costs	0	636,000"
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Page 2, replace lines 7 through 11 with:

"Technology enhancements	0	<u>170,000</u>
Total all funds	\$7,310,000	\$4,109,000
Less estimated income	<u>7,310,000</u>	<u>1,130,216</u>
Total general fund	\$0	\$2,978,784"

Page 2, line 17, replace "\$11,575,949" with "\$11,238,321"

Page 2, line 24, replace "\$1,648,955" with "\$1,374,248"

Page 2, line 29, replace "\$2,000,000" with "\$3,000,000"

Page 3, after line 10, insert:

"SECTION 7. Section 39-03-18.1 of the North Dakota Century Code is created and enacted as follows:

**39-03-18.1. Highway patrol - Federal assets forfeiture fund - Continuing appropriation.**

There is created in the state treasury the highway patrol federal assets forfeiture fund. The fund consists of moneys received through federal asset forfeiture sharing programs. Funds received through federal sharing programs may not be deposited in the same account as assets forfeited pursuant to section 39-03-18. Up to three hundred thousand dollars are appropriated from the fund on a continuing basis each biennium to the highway patrol. Funding may be used only for eligible purchases identified by the federal department of justice and federal department of treasury. The superintendent, with the concurrence of the director of the office of management and budget, shall establish the necessary accounting procedures in accordance with the

federal asset sharing program for the use of the fund. All expenditures of moneys in the fund must be approved by the superintendent.

**SECTION 8. EXEMPTION.** The sum of \$225,000 of federal funds appropriated in section 1 of chapter 39 of the 2021 Session Laws for the commercial vehicle information exchange window system is not subject to the provisions of section 54-44.1-11 and may be continued into the biennium beginning July 1, 2023, and ending June 30, 2025."

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

**House Bill No. 1011 - Highway Patrol - Senate Action**

	Base Budget	House Version	Senate Changes	Senate Version
Highway patrol	\$62,113,414	\$73,828,550	(\$3,081,562)	\$70,746,988
Total all funds	\$62,113,414	\$73,828,550	(\$3,081,562)	\$70,746,988
Less estimated income	25,785,652	22,117,633	(844,731)	21,272,902
General fund	\$36,327,762	\$51,710,917	(\$2,236,831)	\$49,474,086
FTE	193.00	202.00	3.00	205.00

**Department 504 - Highway Patrol - Detail of Senate Changes**

	Adjusts Funding for Salary and Benefit Increases <sup>1</sup>	Removes Salary Funding for Funding Pool <sup>2</sup>	Adds Trooper FTE Positions <sup>3</sup>	Adds Per Diem Funding for New Trooper Positions <sup>4</sup>	Adds Funding for On-Call and Overtime Pay <sup>5</sup>	Removes Shooting Range Upgrade Funding <sup>6</sup>
Highway patrol	\$754,249	(\$5,319,935)	\$1,064,377	\$52,800	\$416,947	(\$200,000)
Total all funds	\$754,249	(\$5,319,935)	\$1,064,377	\$52,800	\$416,947	(\$200,000)
Less estimated income	200,830	(1,595,167)	421,909	7,392	170,305	(200,000)
General fund	\$553,419	(\$3,724,768)	\$642,468	\$45,408	\$246,642	\$0
FTE	0.00	0.00	3.00	0.00	0.00	0.00

	Adds Funding for CVIEW System <sup>7</sup>	Total Senate Changes
Highway patrol	\$150,000	(\$3,081,562)
Total all funds	\$150,000	(\$3,081,562)
Less estimated income	150,000	(844,731)
General fund	\$0	(\$2,236,831)
FTE	0.00	3.00

<sup>1</sup> Salaries and wages funding is adjusted to provide for 2023-25 biennium salary increases of 6 percent on July 1, 2023, and 4 percent on July 1, 2024, and for adjustments to health insurance premium rates as follows:

	General Fund	Other Funds	Total
Salary increase	\$583,105	\$209,014	\$792,119
Health insurance adjustment	(29,686)	(8,184)	(37,870)
Total	\$553,419	\$200,830	\$754,249

The House provided salary adjustments of 4 percent on July 1, 2023, and July 1, 2024.

<sup>2</sup> Funding for new FTE positions and estimated savings from vacant FTE positions is removed as shown below. These amounts are available to the agency if needed by submitting a request to the Office of Management and Budget for a transfer from the new and vacant FTE funding pool.

	<u>General Fund</u>	<u>Other Funds</u>	<u>Total</u>
New FTE positions	(\$1,705,561)	(\$886,351)	(\$2,591,912)
Vacant FTE positions	<u>(2,019,207)</u>	<u>(708,816)</u>	<u>(2,728,023)</u>
Total	(\$3,724,768)	(\$1,595,167)	(\$5,319,935)

<sup>3</sup> The following FTE positions are added:

	<u>FTE</u>	<u>General Fund</u>	<u>Other Funds</u>	<u>Total</u>
Criminal interdiction trooper	1.00	\$244,341	\$39,772	\$284,113
Capitol security trooper	1.00	244,533	39,552	284,085
Motor carrier trooper	<u>1.00</u>	<u>16,854</u>	<u>320,325</u>	<u>337,179</u>
Total	3.00	\$505,728	\$399,649	\$905,377

One-time funding of \$159,000 is also added for equipment costs for the positions. These 3 new FTE positions are in addition to the 9 FTE trooper positions added by the House including 6 FTE criminal interdiction troopers, 1 FTE drug recognition trooper, and 1 FTE motor carrier trooper.

<sup>4</sup> Funding is added for \$200 per month per diem payments for new trooper positions consistent with per diem payments for existing trooper positions.

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<sup>6</sup> One-time funding from the motor carrier electronic permit fund added by the House for shooting range upgrades is removed.

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23.0240.02001  
 Title.  
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Prepared by the Legislative Council staff for  
 Senator Rust  
 March 28, 2023

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**Hummel, Maj. Aaron R.**

---

**From:** Solberg, Col. Brandon J.  
**Sent:** Thursday, April 6, 2023 5:45 PM  
**To:** Martin, Larry J.  
**Cc:** Hummel, Maj. Aaron R.  
**Subject:** FW: HB 1011 Carry-Over Request

Hello Larry,

I sent a message similar to the one below to Rep. Mock as well to explain two additional carry-over requests.

Brandon

---

**From:** Solberg, Col. Brandon J.  
**Sent:** Thursday, April 6, 2023 5:19 PM  
**To:** Rust, David <drust@ndlegis.gov>  
**Subject:** HB 1011 Carry-Over Request

Hello Senator Rust,

I apologize for not attending the last Senate Appropriations hearing when the highway patrol's budget was finalized in committee. Senator Dever asked a question related to \$3 million for remodeling the Law Enforcement Training Academy (LETA), and an amendment was added on the Senate floor to carry over some of that funding.

There are two additional carry-over items that were recently brought to my attention following that floor vote. I will share these with Representative Mock as well because he carried the highway patrol's budget bill on the House side.

- Statewide Interoperable Radio Network (SIRN) Project
  - The highway patrol was appropriated \$2,612,000 in one-time funding from the State Fiscal Recovery Fund for SIRN.
  - Most of the equipment has been purchased and received, but there are some items and installation costs that will not be completed this biennium.
  - **The highway patrol is requesting that \$628,750 be carried over into the 2023-25 biennium.**
    - \$165,750 for vehicle installations
    - \$28,000 for command center radio and installation
    - \$110,000 for initializing and programming costs (NDIT, vendors)
    - \$120,000 for office base stations
    - \$40,000 for miscellaneous equipment and supplies
    - \$165,000 for 10 additional sworn officers
- LETA SiteLogIQ Repairs
  - The highway patrol was appropriated \$246,000 in ARPA funding for two projects:
    - Energy management (building automation) - \$88,000
    - Pneumatic controls - \$158,000

- Both of these projects are being done in conjunction with the larger \$3 million remodel which may not be completed until the fall of 2023.
- **The highway patrol is requesting that \$246,000 be carried over into the 2023-25 biennium.**

I'm hoping these additions can be added to the bill during a future conference committee. I can share this information with legislative council and OMB as well. If you need any further information, please let me know!

Thank you,

**Brandon Solberg, Colonel**  
Superintendent • (701) 328-2586 • [bjsolberg@nd.gov](mailto:bjsolberg@nd.gov)



**Hummel, Maj. Aaron R.**

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**From:** Solberg, Col. Brandon J.  
**Sent:** Wednesday, April 12, 2023 10:00 AM  
**To:** Hummel, Maj. Aaron R.  
**Subject:** Fwd: Drug Interdiction Troopers

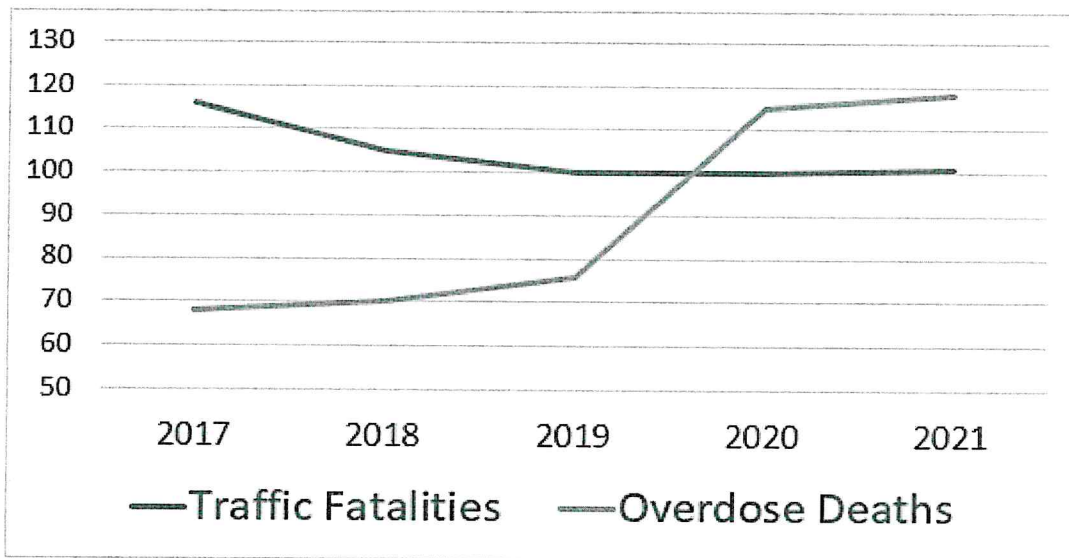
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**From:** Solberg, Col. Brandon J.  
**Sent:** Tuesday, April 4, 2023 10:44:38 AM  
**To:** Rust, David S. <drust@ndlegis.gov>  
**Subject:** RE: Drug Interdiction Troopers

Hello Senator Rust,

I was at a media conference this morning so I apologize for the delay, but the statistics related to overdoses and traffic fatalities are below. The number of overdoses started exceeding traffic fatalities in 2020.

- 2019: 76 overdose deaths, 100 traffic fatalities
- 2020: 115 overdose deaths, 100 traffic fatalities
- 2021: 131 overdose deaths, 101 traffic fatalities
- 2022: 119 overdose deaths, 98 traffic fatalities



If you need anything further, please let me know! I'll be in the office the rest of the day and will pay close attention to my e-mail.

Thanks,  
Brandon

**Highway Patrol - Budget No. 504  
House Bill No. 1011  
Base Level Funding Changes**

	House Version				Senate Version				Senate Changes to House Version Increase (Decrease) - House Version			
	FTE Positions	General Fund	Other Funds	Total	FTE Positions	General Fund	Other Funds	Total	FTE Positions	General Fund	Other Funds	Total
<b>2023-25 Biennium Base Level</b>	193.00	\$36,327,762	\$25,785,652	\$62,113,414	193.00	\$36,327,762	\$25,785,652	\$62,113,414	0.00	\$0	\$0	\$0
<b>2023-25 Ongoing Funding Changes</b>												
Base payroll and budget changes		\$460,502	\$227,861	\$688,363		\$460,502	\$227,861	\$688,363				\$0
Salary increase		1,837,423	640,708	2,478,131		2,420,528	849,722	3,270,250		583,105	209,014	792,119
Health insurance increase		730,057	267,908	997,965		700,371	259,724	960,095		(29,686)	(8,184)	(37,870)
Retirement increase - Highway Patrolmen's retirement fund		335,523	54,620	390,143		335,523	54,620	390,143				0
New and vacant FTE pool				0		(3,724,768)	(1,595,167)	(5,319,935)		(3,724,768)	(1,595,167)	(5,319,935)
Adjust COVID-19 salary funding		6,966,000	(6,966,000)	0		6,966,000	(6,966,000)	0				0
Backfill criminal interdiction troopers	5.00	1,272,224	207,107	1,479,331	5.00	1,272,224	207,107	1,479,331				0
Additional criminal interdiction troopers	2.00	488,624	79,544	568,168	3.00	732,965	119,316	852,281	1.00	244,341	39,772	284,113
Capitol Security troopers				0	1.00	244,533	39,552	284,085	1.00	244,533	39,552	284,085
Drug recognition trooper	1.00		284,082	284,082	1.00		284,082	284,082				0
Motor carrier troopers	1.00	16,854	320,325	337,179	2.00	33,708	640,650	674,358	1.00	16,854	320,325	337,179
New trooper per diem				0		45,408	7,392	52,800		45,408	7,392	52,800
On-call and overtime pay				0		246,642	170,305	416,947		246,642	170,305	416,947
Lease rate increase		106,000	17,000	123,000		106,000	17,000	123,000				0
Additional warehouse space		106,000	17,000	123,000		106,000	17,000	123,000				0
New Capitol space rent model		74,274		74,274		74,274		74,274				0
Unmanned aerial vehicle enhancements		1,000		1,000		1,000		1,000				0
Technology enhancements		114,380	18,620	133,000		114,380	18,620	133,000				0
Recruitment and advertising initiative		32,250	5,250	37,500		32,250	5,250	37,500				0
Total ongoing funding changes	9.00	\$12,541,111	(\$4,825,975)	\$7,715,136	12.00	\$10,167,540	(\$5,642,966)	\$4,524,574	3.00	(\$2,373,571)	(\$816,991)	(\$3,190,562)
<b>One-Time Funding Items</b>												
New trooper one-time costs		\$377,844	\$99,156	\$477,000		\$514,584	\$121,416	\$636,000		\$136,740	\$22,260	\$159,000
State Fleet mileage increase		1,706,000	336,000	2,042,000		1,706,000	336,000	2,042,000				0
Inflationary increases		448,000	72,000	520,000		448,000	72,000	520,000				0
Narcotics tester		52,000	8,000	60,000		52,000	8,000	60,000				0
Unmanned aerial vehicle enhancements - One-time		89,000	15,000	104,000		89,000	15,000	104,000				0
Motor carrier program enhancements		23,000	404,000	427,000		23,000	404,000	427,000				0
Technology enhancements - One-time		146,200	23,800	170,000		146,200	23,800	170,000				0
Commercial vehicle information system				0			150,000	150,000			150,000	150,000
Fargo garage addition				0				0				0
Shooting range targeting system (MCEPF)			200,000	200,000			0	0			(200,000)	(200,000)
Total one-time funding changes	0.00	\$2,842,044	\$1,157,956	\$4,000,000	0.00	\$2,978,784	\$1,130,216	\$4,109,000	0.00	\$136,740	(\$27,740)	\$109,000
<b>Total Changes to Base Level Funding</b>	9.00	\$15,383,155	(\$3,668,019)	\$11,715,136	12.00	\$13,146,324	(\$4,512,750)	\$8,633,574	3.00	(\$2,236,831)	(\$844,731)	(\$3,081,562)
<b>2023-25 Total Funding</b>	202.00	\$51,710,917	\$22,117,633	\$73,828,550	205.00	\$49,474,086	\$21,272,902	\$70,746,988	3.00	(\$2,236,831)	(\$844,731)	(\$3,081,562)
<i>Federal funds included in other funds</i>			\$8,894,222				\$8,660,335				(\$233,887)	
<i>Total ongoing changes as a percentage of base level</i>	4.7%	34.5%	(18.7%)	12.4%	6.2%	28.0%	(21.9%)	7.3%				
<i>Total changes as a percentage of base level</i>	4.7%	42.3%	(14.2%)	18.9%	6.2%	36.2%	(17.5%)	13.9%				

**Other Sections in Highway Patrol - Budget No. 504**

	<u>House Version</u>	<u>Senate Version</u>
Highway tax distribution fund	Section 3 provides for \$11,575,949 of special funds from the highway tax distribution fund to be used for Highway Patrol operations.	Section 3 provides for \$11,238,321 of special funds from the highway tax distribution fund to be used for Highway Patrol operations.
Motor carrier electronic permit fund	Section 4 provides for \$1,648,955 of special funds from the motor carrier electronic permit fund to be used for Highway Patrol operations.	Section 4 provides for \$1,374,248 of special funds from the motor carrier electronic permit fund to be used for Highway Patrol operations.
Retirement fund transfer	Section 5 transfers \$2 million from the motor carrier electronic permit fund to the Highway Patrolmen's retirement fund.	Section 5 transfers \$3 million from the motor carrier electronic permit fund to the Highway Patrolmen's retirement fund.
Highway Patrol officer per diem	Section 6 provides for Highway Patrol officer per diem of \$200 per month during the 2023-25 biennium, the same as provided during the 2021-23 biennium. The per diem payments are in lieu of reimbursement for meals and other expenses while in travel status within the state.	Section 7 provides for Highway Patrol officer per diem of \$200 per month during the 2023-25 biennium, the same as provided during the 2021-23 biennium. The per diem payments are in lieu of reimbursement for meals and other expenses while in travel status within the state.
Federal assets forfeiture funds	Not included	Section 8 adds a new section to statute to establish a fund to deposit funds received through federal asset forfeitures.
Carryover authority	Not included	Section 6 authorizes the carryover of 2021-23 biennium funding for the Law Enforcement Training Academy project. Section 9 authorizes the carryover of 2021-23 biennium federal funds appropriated for the Commercial Vehicle Information Exchange Window system.

4/14/23, 9:33 AM

Mail - Karls, Kenneth - Outlook

**FW: HB 1011 Carry-Over Request**

Martin, Larry J. <lajmartin@nd.gov>

Fri 4/14/2023 9:32 AM

To: Karls, Kenneth <kenkarls@ndlegis.gov>

**Larry J. Martin, CPA**

Management & Fiscal Analyst

701.328.4931 • [lajmartin@nd.gov](mailto:lajmartin@nd.gov) • [www.omb.nd.gov](http://www.omb.nd.gov)




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**From:** Solberg, Col. Brandon J. <bjsolberg@nd.gov>  
**Sent:** Thursday, April 6, 2023 5:45 PM  
**To:** Martin, Larry J. <lajmartin@nd.gov>  
**Cc:** Hummel, Maj. Aaron R. <arhummel@nd.gov>  
**Subject:** FW: HB 1011 Carry-Over Request

Hello Larry,

I sent a message similar to the one below to Rep. Mock as well to explain two additional carry-over requests.

Brandon

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**From:** Solberg, Col. Brandon J.  
**Sent:** Thursday, April 6, 2023 5:19 PM  
**To:** Rust, David <[drust@ndlegis.gov](mailto:drust@ndlegis.gov)>  
**Subject:** HB 1011 Carry-Over Request

Hello Senator Rust,

I apologize for not attending the last Senate Appropriations hearing when the highway patrol’s budget was finalized in committee. Senator Dever asked a question related to \$3 million for remodeling the Law Enforcement Training Academy (LETA), and an amendment was added on the Senate floor to carry over some of that funding.

There are two additional carry-over items that were recently brought to my attention following that floor vote. I will share these with Representative Mock as well because he carried the highway patrol’s budget bill on the House side.

- Statewide Interoperable Radio Network (SIRN) Project
  - The highway patrol was appropriated \$2,612,000 in one-time funding from the State Fiscal Recovery Fund for SIRN.

- Most of the equipment has been purchased and received, but there are some items and installation costs that will not be completed this biennium.
- **The highway patrol is requesting that \$628,750 be carried over into the 2023-25 biennium.**
  - \$165,750 for vehicle installations
  - \$28,000 for command center radio and installation
  - \$110,000 for initializing and programming costs (NDIT, vendors)
  - \$120,000 for office base stations
  - \$40,000 for miscellaneous equipment and supplies
  - \$165,000 for 10 additional sworn officers
- LETA SiteLogIQ Repairs
  - The highway patrol was appropriated \$246,000 in ARPA funding for two projects:
    - Energy management (building automation) - \$88,000
    - Pneumatic controls - \$158,000
  - Both of these projects are being done in conjunction with the larger \$3 million remodel which may not be completed until the fall of 2023.
  - **The highway patrol is requesting that \$246,000 be carried over into the 2023-25 biennium.**

I'm hoping these additions can be added to the bill during a future conference committee. I can share this information with legislative council and OMB as well. If you need any further information, please let me know!

Thank you,

**Brandon Solberg, Colonel**

Superintendent • (701) 328-2586 • [bjsolberg@nd.gov](mailto:bjsolberg@nd.gov)



23.0240.02003  
 Title.  
 Fiscal No. 1

Prepared by the Legislative Council staff for  
 Representative Mock  
 April 14, 2023

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1011

That the Senate recede from its amendments as printed on page 1610 of the House Journal and pages 1351-1354 and 1384 of the Senate Journal and that Engrossed House Bill No. 1011 be amended as follows:

Page 1, line 1, after "patrol" insert "; to create and enact section 39-03-18.1 of the North Dakota Century Code, relating to a federal assets forfeiture fund; to provide an exemption; to provide a continuing appropriation"

Page 1, replace lines 11 through 15 with:

"Highway patrol	<u>\$62,113,414</u>	<u>\$9,075,774</u>	<u>\$71,189,188</u>
Total all funds	\$62,113,414	\$9,075,774	\$71,189,188
Less estimated income	<u>25,785,652</u>	<u>(4,035,290)</u>	<u>21,750,362</u>
Total general fund	\$36,327,762	\$13,111,064	\$49,438,826
Full-time equivalent positions	193.00	12.00	205.00"

Page 1, replace line 21 with:

"Commercial motor carrier system	\$275,000	\$150,000"
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Page 2, replace line 2 with:

"New trooper startup costs	0	636,000"
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Page 2, replace lines 7 through 11 with:

"Technology enhancements	0	283,200
Shooting range repairs	<u>0</u>	<u>200,000</u>
Total all funds	\$7,310,000	\$4,422,200
Less estimated income	<u>7,310,000</u>	<u>1,589,616</u>
Total general fund	\$0	\$2,832,584"

Page 2, line 17, replace "\$11,575,949" with "\$11,256,381"

Page 2, line 24, replace "\$1,648,955" with "\$1,633,648"

Page 2, line 29, replace "\$2,000,000" with "\$3,000,000"

Page 3, after line 2, insert:

**"SECTION 6. EXEMPTION - UNEXPENDED APPROPRIATIONS.** The following appropriations are not subject to the provisions of section 54-44.1-11 and may be continued into the biennium beginning July 1, 2023, and ending June 30, 2025:

1. The sum of \$3,000,000 of federal funds appropriated in section 6 of chapter 15 of the 2021 Session Laws for the law enforcement training academy project.
2. The sum of \$225,000 of federal funds appropriated in section 1 of chapter 39 of the 2021 Session Laws for the commercial vehicle information exchange window system.



3. The sum of \$2,612,000 of federal funds derived from the state fiscal recovery fund appropriated in subsection 21 of section 1 of chapter 550 of the 2021 Special Session Session Laws for purchasing radios compatible with the statewide interoperable radio network."

Page 3, after line 10, insert:

"**SECTION 8.** Section 39-03-18.1 of the North Dakota Century Code is created and enacted as follows:

**39-03-18.1. Highway patrol - Federal assets forfeiture fund - Continuing appropriation.**

There is created in the state treasury the highway patrol federal assets forfeiture fund. The fund consists of moneys received through federal asset forfeiture sharing programs. Funds received through federal sharing programs may not be deposited in the same account as assets forfeited pursuant to section 39-03-18. Up to three hundred thousand dollars is appropriated from the fund on a continuing basis each biennium to the highway patrol. Funding may be used only for eligible purchases identified by the federal department of justice and federal department of treasury. The superintendent, with the concurrence of the director of the office of management and budget, shall establish the necessary accounting procedures in accordance with the federal asset sharing program for the use of the fund. All expenditures of moneys in the fund must be approved by the superintendent.

**SECTION 9. DEFERRED MAINTENANCE - UNEXPENDED**

**APPROPRIATIONS.** Pursuant to section 54-44.1-11, the highway patrol may submit a request to the chairmen of the appropriations committees of the senate and house of representatives of the legislative assembly and office of management and budget to continue unexpended appropriation authority transferred to the agency for deferred maintenance under subsection 10 of section 1 of chapter 550 of the 2021 Special Session Session Laws."

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

**House Bill No. 1011 - Highway Patrol - Conference Committee Action**

	Base Budget	House Version	Conference Committee Changes	Conference Committee Version	Senate Version	Comparison to Senate
Highway patrol	\$62,113,414	\$73,828,550	(\$2,639,362)	\$71,189,188	\$70,746,988	\$442,200
Total all funds	\$62,113,414	\$73,828,550	(\$2,639,362)	\$71,189,188	\$70,746,988	\$442,200
Less estimated income	25,785,652	22,117,633	(367,271)	21,750,362	21,272,902	477,460
General fund	\$36,327,762	\$51,710,917	(\$2,272,091)	\$49,438,826	\$49,474,086	(\$35,260)
FTE	193.00	202.00	3.00	205.00	205.00	0.00

**Department 504 - Highway Patrol - Detail of Conference Committee Changes**

	<b>Adjusts Funding for Salary and Benefit Increases<sup>1</sup></b>	<b>Removes Salary Funding for Funding Pool<sup>2</sup></b>	<b>Adds Trooper FTE Positions<sup>3</sup></b>	<b>Adds Per Diem Funding for New Trooper Positions<sup>4</sup></b>	<b>Adds Funding for On-Call and Overtime Pay<sup>5</sup></b>	<b>Adds Funding for CVIEW System<sup>6</sup></b>
Highway patrol	\$754,249	(\$5,319,935)	\$1,064,377	\$52,800	\$416,947	\$150,000
Total all funds	\$754,249	(\$5,319,935)	\$1,064,377	\$52,800	\$416,947	\$150,000
Less estimated income	200,830	(1,595,167)	421,909	7,392	170,305	150,000
General fund	\$553,419	(\$3,724,768)	\$642,468	\$45,408	\$246,642	\$0
FTE	0.00	0.00	3.00	0.00	0.00	0.00

	<b>Adjusts Funding for Technology Projects<sup>7</sup></b>	<b>Total Conference Committee Changes</b>
Highway patrol	\$242,200	(\$2,639,362)
Total all funds	\$242,200	(\$2,639,362)
Less estimated income	277,460	(367,271)
General fund	(\$35,260)	(\$2,272,091)
FTE	0.00	3.00

<sup>1</sup> Salaries and wages funding is adjusted to provide for 2023-25 biennium salary increases of 6 percent on July 1, 2023, and 4 percent on July 1, 2024, and for adjustments to health insurance premium rates, the same as the Senate, as follows:

	<b>General Fund</b>	<b>Other Funds</b>	<b>Total</b>
Salary increase	\$583,105	\$209,014	\$792,119
Health insurance adjustment	(29,686)	(8,184)	(37,870)
Total	\$553,419	\$200,830	\$754,249

The House provided salary adjustments of 4 percent on July 1, 2023, and July 1, 2024.

<sup>2</sup> Funding for new FTE positions and estimated savings from vacant FTE positions is removed as shown below, the same as the Senate. These amounts are available to the agency if needed by submitting a request to the Office of Management and Budget for a transfer from the new and vacant FTE funding pool.

	<b>General Fund</b>	<b>Other Funds</b>	<b>Total</b>
New FTE positions	(\$1,705,561)	(\$886,351)	(\$2,591,912)
Vacant FTE positions	(2,019,207)	(708,816)	(2,728,023)
Total	(\$3,724,768)	(\$1,595,167)	(\$5,319,935)

The House did not remove funding for a new and vacant FTE funding pool.

<sup>3</sup> The following FTE positions are added:

	<b>FTE</b>	<b>General Fund</b>	<b>Other Funds</b>	<b>Total</b>
Criminal interdiction trooper	1.00	\$244,341	\$39,772	\$284,113
Capitol security trooper	1.00	244,533	39,552	284,085
Motor carrier trooper	1.00	16,854	320,325	337,179
Total	3.00	\$505,728	\$399,649	\$905,377

One-time funding of \$159,000 is also added for equipment costs for the positions. These 3 new FTE positions were also added by the Senate and are in addition to the 9 FTE trooper positions added by the House including 7 FTE criminal interdiction troopers, 1 FTE drug recognition trooper, and 1 FTE motor carrier trooper.

<sup>4</sup> Funding is added for \$200 per month per diem payments for new trooper positions consistent with per diem payments for existing trooper positions, the same as the Senate. The House did not include this funding.

<sup>5</sup> Funding is added for on-call and overtime pay to account for employee salary increases and equity adjustments, the same as the Senate. The House did not include this funding adjustment.

<sup>6</sup> One-time federal funding is added for the motor carrier Commercial Vehicle Information Exchange Window system. The House did not include this funding, but the Senate added this funding.

<sup>7</sup> Funding for technology enhancements is adjusted as follows:

- Ongoing funding of \$129,000 is added, including \$110,940 from the general fund and \$18,060 from the highway tax distribution fund, to provide total funding of \$225,320. The House and Senate provided \$133,000, including \$114,380 from the general fund and \$18,620 from the highway tax distribution fund.
- One-time funding of \$113,200 is added by decreasing funding from the general fund by \$146,200 and by increasing funding of \$259,400 from the motor carrier electronic permit fund to provide total funding of \$283,200. The House and Senate provided \$146,200 from the general fund and \$23,800 from the highway tax distribution fund.

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This amendment also:

- Increases the transfer from the motor carrier electronic permit fund to the Highway Patrolmen's Retirement Fund by \$1 million, from \$2 million to \$3 million. The House provided for a transfer of \$2 million, and the Senate included a transfer of \$3 million.
- Includes a section added by the Senate to create a federal assets forfeiture fund with a continuing appropriation of up to \$300,000 per biennium to the Highway Patrol for eligible purchases. The House did not include this provision.
- Includes an exemption added by the Senate allowing unexpended 2021-23 biennium federal funding to continue into the 2023-25 biennium for the Commercial Vehicle Information Exchange Window system. The House did not include this exemption.
- Includes an exemption added by the Senate to allow 2021-23 biennium appropriations for the Law Enforcement Training Academy project to be continued into the 2023-25 biennium. The House did not include this exemption.
- Adds an exemption to allow 2021-23 biennium appropriations for radio equipment to be continued into the 2023-25 biennium. Neither the House or Senate included this exemption.
- Adds a section authorizing the agency to submit a request allowing 2021-23 biennium appropriations for deferred maintenance to continue into the 2023-25 biennium. Neither the House or Senate included this provision.