

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

1011

2007 HOUSE APPROPRIATIONS

HB 1011

2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. 1011

House Appropriations Committee
Government Operations Division

☐ Check here for Conference Committee

Hearing Date: 01/08/07

Recorder Job Number: 759

Committee Clerk Signature

Minutes:

House Appropriations- Government Operations Division Subcommittee Meeting was called to order by Chairman Carlson.

Colonel Bryan Klipfel – Superintendent of the North Dakota Highway Patrol discussed the budget requested for the North Dakota Highway Patrol. See Attached 1-8-07a, 1-8-07b and 1-8-07c.

Colonel Klipfel discussed the Operational Goals for the North Dakota Highway Patrol. The first of these goals is: Concentrate efforts towards patrolling highways and being visible. The North Dakota Highway Patrol currently has zero vacancies including 16 individuals that are going through the academy. There are currently 186 total employees. The goal for the average Road Patrol Hours is 105 hours per month. For the 2005-2007 biennium, their totals were 102.42 Road Patrol Hours per month. These totals increased due the addition of the mobile data computer allowing the troopers to do reports from their car increasing visibility.

The next operational goal is to reduce crashes and investigate when they occur. They do this thru education, enforcement and professional and caring investigation. In 2006, the North Dakota Highway Patrol reports 111 traffic fatalities. Colonel Klipfel explained some of the equipment used in investigating crashes.

The third operational goal is impact alcohol abuse relating to DUI and underage consumption and the tragedies that happen on our highways as a result. The North Dakota Highway Patrol has seen an increase in the number of DUI's. A strong enforcement effort has been maintained through the use of the DUI team in the North Dakota Highway Patrol. This team consists of troopers who excel in DUI enforcement. They are utilized state wide to assist in the detection and apprehension of impaired drivers.

Representative Williams: How many of those 111 deaths were alcohol related?

Colonel Klipfel: 40-45%.

Representative Williams: Has there been a drop in alcohol related deaths with the education in schools?

Colonel Klipfel: Yes, the number has come down. In 1971 there were 227 people on the highways. A lot of the reason for the drop is getting impaired people off of the road and people wearing seatbelts.

Vice Chairman Carlisle: Where are you with the drug interdiction?

Colonel Klipfel: That is with the next goal.

The fourth goal is to reduce criminal activity occurring on our highways through the use of a strong criminal interdiction program. The drug arrests by the North Dakota Highway Patrol have increased by 27% since 2004. Currently, the North Dakota Highway Patrol has eight canine units strategically placed throughout the state.

Representative Thoreson: Where are these canine units located?

Colonel Klipfel: Dickinson, Bismarck, Jamestown, Valley City, Fargo, Cando, Grand Forks, Minot and they are currently looking into one in Williston.

Representative Thoreson: Are they eight separate animals or are there more than one animal per unit?

Colonel Klipfel: They are eight separate animals. One animal per unit.

Colonel Klipfel also discussed the Post Seizure Analysis Team (PSAT). The PSAT is comprised of state and federal law enforcement agencies as well as ND National Guard Counter Drug Program personnel. The mission of the PSAT is to gather, analyze, and disseminate criminal drug information from existing investigations and seizures. Another main role the North Dakota Highway Patrol has is in Homeland Security. In January 2005, one officer from the North Dakota Highway Patrol was assigned full time to the ND Homeland Security Fusion Center. The Center's mission is to collect, analyze, and disseminate critical intelligence information to local, state and federal law enforcement personnel statewide. This officer also is responsible for investigating domestic and international terrorism and the investigation of workplace and employer immigration violations. In 2006, the North Dakota Highway Patrol partnered with the US Customs and Border Protection to help secure the northern border at the 17 ports of entry between the US and Canada.

Representative Thoreson: Do you see an increase in illegal individuals coming in to the state?

Colonel Klipfel: There is a big increase. 80% of their other law enforcement activities come from this issue. But we are a lot more cognoscente of different things that can happen. We want to make sure that illegals are apprehended.

The fifth operational goal is to protect highway infrastructure and provide for the safe movement of goods and services through an effective motor carrier program. The Motor Carrier Safety Assistance Program (MCSAP) has the primary function of reducing commercial vehicle crashes. They also conduct safety audits and compliance reviews at the commercial companies themselves.

Representative Skarphol: Is the MCSAP program federally funded?

Colonel Klipfel: The Border Inspection Program in 100% federally funded, the MCSAP program is 80-20%, with the federal government providing 80%.

Representative Kempenich: How close do you tally that as far as time between federal and state?

Colonel Klipfel: Even though it is only 80% federally funded it is supposed to be 100% federal aided tech inspections.

Representative Skarphol: Are you predicting an increase in the weigh-in-motion sites?

Colonel Klipfel: The North Dakota Highway Patrol is working with the ND DOT on that issue. Currently with the 12 sites we are still trying to work out the bugs on the system.

Representative Skarphol: Are these bugs specific to ND or are they problems nationwide?

Colonel Klipfel: Nationwide. Not only is there problems with the weigh-in-motion site, there are also glitches in the software and the monitoring program. The North Dakota Highway Patrol is starting to get information from DOT about trucks crossing the weigh-in-motion so the North Dakota Highway Patrol can schedule troopers to be in the area if there is a problem.

Representative Skarphol: So the North Dakota Highway Patrol is not the only ones monitoring the weigh in motion sites?

Colonel Klipfel: DOT monitors. The information comes into the central site at DOT. They monitor all of the weights and the trucks that come across then they send the North Dakota Highway Patrol the data regarding the days and times that the most and heaviest trucks come into the area.

Representative Skarphol: Are they satisfied with the accuracy of the information they are receiving?

Colonel Klipfel: It is a screening device. If something comes across the screen, the troopers still have to weigh the trucks.

Representative Skarphol: Is there any new technology out there that looks to be more attractive than what is currently being used that is being considered?

Colonel Klipfel: I don't know of any at this time.

In 2003, with cooperation of the ND Dept of Transportation, the North Dakota Highway Patrol decided to move away from the fixed weight stations and go towards a more mobile effort of enforcement. Currently there are 12 weigh-in-motion sites around the state and 36 of the North Dakota Highway Patrol troopers' mobile data computers are programmed to monitor the sites.

Representative Kempenich: On these scales, can you enforce off of these or do you have to go to a fixed scale?

Colonel Klipfel: You can enforce off of these scales. They are certified every year and they are accurate. The North Dakota Highway Patrol still needs a reason to pull a truck in to weigh them.

In December of 2002, The North Dakota Highway Patrol launched electronic permitting. This allows motor carriers to purchase 21 different permits over the internet.

The sixth operational goal is to provide a quality service to the public. One of the ways the North Dakota Highway Patrol is achieving this goal is by activating the AMBER Alert on May 22, 2006 following the disappearance of Raechelle Smith. The North Dakota Highway Patrol is also responsible for the operation, maintenance, and administration of the Law Enforcement Training Academy. The academy provides the coordination of basic and advanced training courses for all law enforcement in ND.

The last operational goal is to hold individuals, not groups or districts, accountable for their actions, good or bad. The North Dakota Highway Patrol is very proud of the professionalism of their troopers and other employees. In 2006, out of 100,000 to 150,000 contacts with the public, the North Dakota Highway Patrol had only 21 complaints against employees. Only four

of these 21 were determined to be valid complaints. The in-car video system is one of the most important items the troopers carry with them. It not only protects the officer but also protects the violators. The North Dakota Highway Patrol is requesting funds to upgrade from the VCR type recorders to a new digital system. The North Dakota Highway Patrol has just completed their sixth reaccreditation as a law enforcement agency.

Representative Skarphol: Before you go on, how do you feel the electronic permitting is working?

Colonel Klipfel: It seems to be working well. We still have four people working in the permit division. The electronic permitting will not work for oversize permits. I have not heard any complaints from the motor carriers.

Vice Chairman Carlisle: Has your department changed its views on one versus two plates?

Colonel Klipfel: Our views have stayed the same. We prefer to have the two plates. The reasons for this are, safety and effectiveness, if you are parked on a rural road somewhere it is easier to see a license plate if it is coming towards you than if it is passing you.

Strategic Plan

Colonel Klipfel discussed the strategic goals of the North Dakota Highway Patrol. These goals are shown on page 5 of testimony 1/8/07A.

Representative Thoreson: Does the lowering of the percent of alcohol related fatal crashes have anything to do with the lowering of the blood alcohol levels? Have you seen a significant decrease in incidents since that has been lowered?

Colonel Klipfel: There are still quite a few of the alcohol related stops that were above the .10 alcohol level. I think the decrease has been because educating the public and enforcement.

Representative Thoreson: Does your department participate in the check points?

Colonel Klipfel: We are very active in the check points. In fact, they are one of the best education and enforcement tool the department has. More arrests can be made by saturating an area than by the check points but the media hype about the check points gets the word out and makes people aware of them.

Representative Thoreson: You do feel that the publicity is most important but you feel you can make more arrests by spreading out than at one set location.

Colonel Klipfel: That is correct.

Chairman Carlson: The Click-It Or Ticket campaign, it is really not a true ad because in ND you have to have committed another offense before you can ticket for the seatbelt. Do we buy advertising for this campaign?

Colonel Klipfel: Those are national ads. Most of it is paid for by federal funding through DOT.

Representative Kempenich: Where do we rate nationally as far as seatbelt wearers?

Colonel Klipfel: I don't have those exact numbers. The states with mandated seatbelt laws are running about 85-90%. As far as secondary enforcement, it is believed that we are 34th.

Vice Chairman Carlisle: Colonel, you brought up the seatbelt law. Is there a bill in place that will make the seatbelt law mandated?

Colonel Klipfel: There have been a lot of meetings across the state and all they have talked about is the primary seatbelt law.

Representative Thoreson: How many people in your department have been involved in activity in the armed forces? Have you lost people due to active service?

Colonel Klipfel: Actually we just have one person that has been called up for active duty.

Chairman Carlson: Do you have a breakdown of the Homeland Security dollars received?

We don't necessarily need it today but it will be needed when we break into subcommittee.

Budget Request

See slide 20 in Testimony 1/8/07B

Chairman Carlson: What will your turn back be?

Colonel Klipfel: About \$100,000

Vice Chairman Carlisle: What are the two new troopers going to do in the Capital Security that the troopers are not doing now?

Colonel Klipfel: Right now the troopers will be sworn officers. The current officers are civilian officers.

Representative Williams: The federal funds? Is that Homeland Security?

Colonel Klipfel: It is just federal spending authority.

Chairman Carlson: Have you lost any specific federal grants?

Colonel Klipfel: A little bit of Homeland Security.

Chairman Carlson: Are any of your FTE's federally funded?

Colonel Klipfel: The only ones that are federally funded are the MCSAP employees.

Chairman Carlson: Where does the Homeland Security money go?

Colonel Klipfel: Most of the Homeland Security money goes for equipment like radios and computers and for personnel for overtime.

Chairman Carlson: Do you have a pool of money for that?

Colonel Klipfel: We get allocated an amount we can use for overtime.

Chairman Carlson: Where does this money sit?

Colonel Klipfel: It is held by the Department of Emergency Services.

Representative Kempenich: Out of the \$3.7 mil that has changed does that include one time funds?

Colonel Klipfel: Yes that does.

Representative Skarphol: The 64 cents per mile does that include everything?

Colonel Klipfel: That includes damages to vehicles, depreciation, fuel, repairs, installation of equipment.

Representative Skarphol: In your budget detail, is that included in the travel?

Colonel Klipfel: Yes.

One Time Spending Needs

The main one time spending is for the upgrade from the VCR type cameras to digital cameras.

Chairman Carlson: Are your cars equipped with cameras?

Colonel Klipfel: All troopers and sergeants cars are equipped with VCR model cameras. We would like to go to digital models

Representative Thoreson: The new system would that have just forward views or would it have other locations like multi cameras or just a single camera?

Colonel Klipfel: We would have the option for multi cameras mostly forward views but if someone had a prisoner in the back inside the car so there is options we have with that system.

Representative Skarphol: In the Budget detail is that included in the other equipment under \$5,000 line item?

Colonel Klipfel: That is correct.

The other one time spending is for integration of Capitol Building security and mechanical automation systems. It would tie the fire and security alarms in to one thing.

Colonel Klipfel then showed a video from a traffic stop.

Representative Thoreson: If you get the new digital system do you know how much that would store?

Colonel Klipfel: We will probably need to purchase a server for each of our districts to download the information. In an eight hour day, we probably only have two hours of recording. After 30 days we can purge some of the data that will not be needed for court or to review complaints.

Captain Kleppe: Regarding the capacity of the digital in-car recording systems, some of the ones we are looking at have 80 GB of capacity and could run two hours per shift for one to two weeks.

Representative Thoreson: The servers that would be needed, are they included in the cost of replacement for the video systems?

Colonel Klipfel: Yes it is.

Chairman Carlson then read the Executive Recommendation page 186 of the Executive Budget 2007-2009 Biennium.

Chairman Carlson: What is the \$50,000 for Capital Integration for?

Colonel Klipfel: For time to integrate the fire and security systems.

Chairman Carlson: Are the troopers going to the Northern Border Security?

Colonel Klipfel: Initially they were for Fargo and the Northern Boarder Security. They will be in Fargo only.

Chairman Carlson: Why do you want to hire two FTEs to allow the agency to increase recruits for the training academy in order to allow for normal turnover during the six month training period?

Colonel Klipfel: It takes so much time to go through the recruitment, training and testing process to get a person hired. It is nice to have an extra body incase of retirements.

Chairman Carlson: How do you cover the cost of that if there is no related funding?

Colonel Klipfel: We have to find it in the budget.

Vice Chairman Carlisle: What is the anticipated rate of retirement?

Colonel Klipfel: We had seven retirements last year. This year we expect three or four. What really affects us is that we spend a lot of money hiring and training someone and down the road they decide they don't like the job or go find another job where they will make more money. Those are unexpected vacancies.

Vice Chairman Carlisle: Do you have a benefit package for the three FTEs that will be added to Capital Security?

Colonel Klipfel: Yes it is included in the budget.

Representative Skarphol: In regards to drug arrests, is the 27% increase a typical increase?

Colonel Klipfel: I think we have just gotten better at it through better trained troopers.

Representative Kempenich: Could you put together a sheet showing anticipated turnover?

Colonel Klipfel: I can have that ready for the subcommittee.

Chairman Carlson closed the hearing.

2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. 1011

House Appropriations Committee
Government Operations Division

☐ Check here for Conference Committee

Hearing Date: 2/1/07

Recorder Job Number: 2503

Committee Clerk Signature

Minutes:

Chairman Carlson opened discussion on Senate Bill 1011.

Representative Kempenich explained the green sheets.

1. Adds 2 FTE trooper positions without funding to allow additional recruits to be trained.

Representative Kempenich: We are leaving in number one.

2. Adds 4 FTE positions - \$436,936 and related operating expenses - \$280,000 for northern border security and for additional coverage hours in the Fargo area

Representative Kempenich: There are two FTEs coming out but, I was talking to the Col. He would like to leave two in and remove number five and not name the positions.

Representative Skarphol: So what you are saying is that we are going to do two out of six FTEs?

Representative Kempenich: Yes.

Representative Williams: So we are going to omit number five.

Representative Kempenich: Yes

Chairman Carlson: Go back to the adds two FTE Trooper positions without funding. Doesn't that mean we are going to get stuck with two new troopers then have to go to the emergency commission to fund them.

Representative Kempenich: No what it is to be trained they have people in training. What he is looking it is that they would have them on staff because of vacancies if someone quits in the interim he wanted a way to keep two troopers in the academy to cover vacancies.

Col. Klipfel: The reason we did that is like for training our troopers it takes like the training academy is 24 weeks long and we don't have that training offered all of the time. If we anticipate that we are going to have a retirement during that 24 weeks or after that we could use some existing savings in our budget and pay for those two additional recruits to go through the training academy so that when the academy is over within that time frame they could take the position of the employee who retires or resigns.

Representative Skarphol: Do all of the troopers you put through the academy stay with the North Dakota Highway Patrol?

Col. Klipfel: No out of the 14 that graduated last February, 11 are left.

Representative Skarphol: Is that typical?

Col. Klipfel: Yes.

Chairman Carlson: So this money is there but it is not permanent FTE money?

Col. Klipfel: No.

Chairman Carlson: What is the number? What did you have in your last budget?

Col. Klipfel: When a recruit goes through our training academy we pay them roughly \$2600 per month plus benefits so that is really the costs that we would have.

Chairman Carlson: And you don't have enough in there so you have to add two spots to do that in case somebody quits?

Col. Klipfel: Like I said sometimes we lose some of the ones that go through then like for example for this class that we are running through right now, I have already got letters from two officers that are going to resign this summer. So we could just hire two additional and run them through the academy so when these two resign we will have those vacant positions. It takes time to go through our selection process and train a trooper. We are kind trying to pre-plan.

Chairman Carlson: Do we have a number assigned anywhere what that cost would be?

Col. Klipfel: I will get that.

Representative Skarphol: Is there any federal funding available for number two?

Col. Klipfel: No these are all state funds.

Representative Skarphol: The \$193,000 reflected in other funds that must be federal dollars there? Does that have anything to do with the northern border security?

Col. Klipfel: No. The positions are not federally funded like the MCSAP positions are. They are funded 71% General Fund and 29% from the highway fund.

Representative Skarphol: So if we would decrease that in half then half of those funds would be utilized too.

Chairman Carlson: So Representative Kempenich, your recommendation would be two out of the four?

Representative Kempenich: Yes. Two of the four and the Col. indicated that he would like to have the two positions in.

Chairman Carlson: And he could put them where ever he wants?

Col. Klipfel: The way I understood that is that out of the four for northern border or Fargo, we would get two and then we would still get our two capital security positions for a total of four.

Representative Kempenich: Basically what we did was just two.

Chairman Carlson: So your intentions Representative Kempenich, is to have two positions and they can be anywhere they want them to be.

Representative Kempenich: Yes. That is what I am proposing.

3. Adds 3 FTE Capitol security positions rather than contracting for these services.

Representative Kempenich: We are leaving this one alone.

Chairman Carlson: They are temps now but will be going to full time FTEs?

Representative Kempenich: Yes.

4. Replaces \$116,000 of federal funds with funding from the highway tax distribution fund for Capitol security services

Representative Kempenich: We will leave that for now. Is that homeland security money?

Col. Klipfel: I visited with OMB on that too. Our General Fund dollars are 71% and our special funds are 29% to get those percentages the money came out of the highway distribution fund.

Representative Skarphol: You won't need all of that will you if you are not getting all four positions?

Joe Morrisette: There are several things going on. One of the changes that there was \$116,000 of federal funds that was homeland security money used for the security system and that money is going away. There were other changes dealing with taking these contract positions and making them permanent.

Representative Skarphol: So that number needs to stay the same even though we make the changes talked about further up?

Joe Morrisette: It is just a removal of federal funds that are not going to be available.

5. Adds 2 additional FTE Capitol security positions - \$218,468 and related operating expenses - \$140,000

Representative Kempenich: This one we are going to omit.

6. Provides funding for integrating security and building automation software (**executive budget identified as one-time funding**)

Representative Kempenich: Six and nine are tied together as one time funding issues which we already have language for.

Chairman Carlson: The in-car video equipment seems to me to be a pretty good safety factor.

Col. Klipfel: That is correct. In my opinion that is one of the most valuable pieces of equipment we have in our patrol cars. This will be a digital system. Let's say you meet a car and then you turn your lights on it will have started recorded 30 seconds prior to that so it is all there.

7. Increases funding for data processing to provide a total of \$610,000.

8. Increases funding for motor pool costs

Chairman Carlson: We spent a little time with the motor pool yesterday trying to figure out what the real number is.

Representative Skarphol: On your budget for this year I assume you have a similar category. With the changes that have taken place, is that number going to be sufficient? Are you going to be able to cover the increased gasoline cost and the increased motor pool costs for this biennium?

Col. Klipfel: It is hard to say. The reason I am not sure of that is because this biennium now we have been short troopers because of the fact that we have had a lot of resignations and so forth. We currently have 16 troopers going through the academy so that is 16 less cars driving down the highway. That has made a difference. Our total mileage per month per trooper has come down a little bit too so we have not been logging the miles so this biennium we will pay and have to go to the emergency commission. If we can stay full staffed it could get pretty tight.

Representative Thoreson: How many different types of vehicles are you running right now?

Col. Klipfel: We have basically four different models, three different models of patrol cars, the Ford Crown Victoria, the Chevy Impala and a couple of Dodge Chargers. For the 4X4s where we carry the portable scales and that we have the Ford Expedition.

Representative Thoreson: Are you planning on introducing any new models for the patrol cars?

Col. Klipfel: This year we are going to get six new Chargers and a couple of more Impalas.

9. Provides funding for replacing in-car video equipment (**executive budget identified as one-time funding**)

Chairman Carlson: How many troopers are you short?

Col. Klipfel: Right now we have 16 recruits in the academy and I just had a trooper resign about a week ago. Now we are going to hire one more and that recruit will start, they have had the basic training that is the first 11 weeks of the academy. This officer has worked for a local police department. Now we are going to start the patrol training which is another 12 weeks after that. We will have 17 recruits in there.

Chairman Carlson: You were short how many guys on the road?

Col. Klipfel: Right now we are short 17.

Chairman Carlson: If we go to our caucus and say there is 17 people short patrolling the highways but we need four more but we didn't have 17 filled? How are you covering those extra miles? Is it overtime?

Col. Klipfel: Our guys put a lot of overtime in but you can only put so much overtime in. We have 70,000 square miles in this state to cover. If you take days off for vacations and things like that a lot of times we don't have very many troopers out there. Being the smallest state

patrol by far in the nation it is hard to cover the ground we have to cover. We originally put in for eleven troopers we are down to six and now we are down to two. It is hard to try to work.

Chairman Carlson: How much do they get from the equity funds?

Allen Kundson: \$203,000 total with \$130,000 from the General Fund.

Representative Skarphol: What is the total from one trooper?

Chairman Carlson: Roughly \$180,000.

Representative Glassheim: Why are we doing special equity for each budget? Why don't we just let them make the decisions there?

Vice Chairman Carlisle: OMB has identified these agencies. We can move it around.

Representative Glassheim: We are earmarking extra money that is not included in the equity pool.

Representative Skarphol: I feel it is our role as a subcommittee to make a determination of whether or not we think this entity deserves more. We can add to what OMB has done if we want. I am wondering if the Col. would prefer to choose between two officers or equity. If we were to give you two FTEs and money for equity, would you use the money for two more FTEs or better pay for the current troopers?

Col. Klipfel: At this time I would use it for equity pay.

Drafting of Amendments

Verbal Amendment regarding equity pay

A motion was made by Representative Kempenich, seconded by Representative

Thoreson to adopt the verbal amendment regarding adding \$200,000 for equity pay.

Motion carried by voice vote.

Verbal amendment regarding two troopers and not designating where they go

A motion was made by Representative Kempenich, seconded by Representative Skarphol to adopt the verbal amendment regarding the addition of two new troopers.

Motion carried by voice vote.

Verbal amendment regarding the boiler plate one time funding amendment

A motion was made by Representative Skarphol, seconded by Representative Thoreson to adopt the verbal amendment regarding one time funding. Motion carried by voice vote.

Verbal amendment regarding the transfer of \$4.4million to the General Fund

A motion was made by Representative Skarphol, seconded by Vice Chairman Carlisle to adopt the verbal amendment regarding the transfer of \$4.4million to the General Fund. Motion carried by voice vote.

Amendment 78011.0102 regarding the addition of the Automatic External Defibrillators

A motion was made by Representative Skarphol, seconded by Representative Williams to adopt amendment 78011.0102. Motion carried by voice vote.

A motion was made by Representative Kempenich, seconded by Representative Thoreson for a DO PASS AS AMENDED recommendation to the full committee. The committee vote was 8 Yeas, 0 Nays and 0 Absent and Not Voting. The bill will be carried by Representative Kempenich.

2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1011

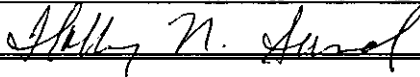
House Appropriations Committee

☐ Check here for Conference Committee

Hearing Date: February 5, 2007

Recorder Job Number: 2859

Committee Clerk Signature



Minutes:

Chm. Svedjan opened the hearing on HB 1011.

Rep. Kempenich distributed amendment .0103 (Attachment A). He reviewed the amendment and the Department 504 – Highway Patrol budget green sheet.

Chm. Svedjan: The \$150,000 in amendment .0103 is new one-time funding?

Rep. Kempenich: Yes. The money was already in the budget, but we moved it (see Section 6 of amendment .0103).

Chm. Svedjan: The funding switch itself was \$4.25 million.

Rep. Kempenich: Yes.

Chm. Svedjan: When you take all the changes together you get to the \$3.927 million.

Rep. Kempenich: Yes.

Chm. Svedjan: That moves the funding into the general fund out of the highway distribution fund.

Rep. Kempenich: We also put in a salary equity fund of \$200,000.

Rep. Carlson: It costs \$50,000 to train new troopers. If turnover is high after all that training, it costs us. The intent was \$200,000 would go on top of what was in the equity fund. We lost our faith in that because the Colonel indicated that he would take that into account and take it away if they got other equity money put in. That was after we did this amendment.

Chm. Svedjan: But the way it stands, they are entitled to participate in the \$10 million equity pool?

Rep. Carlson: Yes. But his response did not give us any confidence. The question is whether or not to give the \$200,000 now.

Chm. Svedjan: We know the intent, but does the wording get us there?

Allen Knudson: Refer to footnote 4 on the back page of the amendment. The intent is there. If you want to make the language stronger, you could add a section to the bill and say "they may not" and then it's part of the bill.

Rep. Williams: I got the impression for the gentleman giving testimony – in section and in here – that even though the intent is here, that it would be "taken into consideration."

Chm. Svedjan: The problem is, legislative intent does not carry the weight of law. Does the section want this to become part of the bill itself?

Rep. Williams: I would like to see this with the force of law behind it.

Rep. Skarphol makes a substitute motion to add a section that states that the \$200,000 is an equity pool created within the highway patrol's budget that is not to be considered in the distribution of the \$10 million equity pool. **Rep. Carlisle** seconded the motion. The substitute motion was adopted by voice vote.

Rep. Kempenich motioned a Do Pass as Amended. **Rep. Wald** seconded the motion. The motion carried by a roll call vote of 23 ayes, 1 nay, 0 absent and not voting. **Rep. Kempenich** was designated to carry the bill.

Date: 2/1/07

2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. 1011

House Appropriations- Government Operations Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number

Action Taken Do PASS 12/10/07

Motion Made By SKA Seconded By CAP

[illegible]

Total Yes 8 No 1

Absent 71

Floor Assignment

If the vote is on an amendment, briefly indicate intent:

Transfer \$4.4 mil to General Fund.

Date: 2/1/07
Roll Call Vote #: _____

2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1011

House _____ Appropriations- Government Operations _____ Committee _____

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken DO PASS VOICE VOTE

Motion Made By SKA Seconded By THO

Representatives	Yes	No	Representatives	Yes	No
Chairman Al Carlson			Vice Chairman Ron Carlisle		
Rep Keith Kempenich			Rep Bob Skarphol		
Rep Blair Thoreson			Rep Eliot Glassheim		
Rep Joe Kroeber			Rep Clark Williams		

Total Yes 8 No _____

Absent _____

Floor Assignment _____

If the vote is on an amendment, briefly indicate intent:

1 time funding

Date: 2/1/07
Roll Call Vote #: _____

2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1011

House _____ Appropriations- Government Operations _____ Committee _____

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken DO PASS Voice Vote

Motion Made By KEM Seconded By SKA

Representatives	Yes	No	Representatives	Yes	No
Chairman Al Carlson			Vice Chairman Ron Carlisle		
Rep Keith Kempenich			Rep Bob Skarphol		
Rep Blair Thoreson			Rep Eliot Glassheim		
Rep Joe Kroeber			Rep Clark Williams		

Total Yes 8 No _____

Absent _____

Floor Assignment _____

If the vote is on an amendment, briefly indicate intent:

2 troopers no designation to
where they go

Date: 2/1/07
Roll Call Vote #: _____

2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1011

House _____ Appropriations- Government Operations _____ Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken DO PASS Voice Vote

Motion Made By KEMPENICH Seconded By THORESON

Representatives	Yes	No	Representatives	Yes	No
Chairman Al Carlson			Vice Chairman Ron Carlisle		
Rep Keith Kempenich			Rep Bob Skarphol		
Rep Blair Thoreson			Rep Eliot Glassheim		
Rep Joe Kroeber			Rep Clark Williams		

Total Yes 6 No 2

Absent _____

Floor Assignment _____

If the vote is on an amendment, briefly indicate intent:

\$ 200,000 to go to equity.

IF NHP Can find the rest totaling \$594,387 in his Budget he has the flexibility to move around for equity.

Barring Approval from HRMS.

Date: 2/1/07
Roll Call Vote #: _____

2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1011

House _____ Appropriations- Government Operations _____ Committee _____

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass As Amended

Motion Made By KEMPENICH Seconded By THORESON

Representatives	Yes	No	Representatives	Yes	No
Chairman Al Carlson	✓		Vice Chairman Ron Carlisle	✓	
Rep Keith Kempenich	✓		Rep Bob Skarphol	✓	
Rep Blair Thoreson	✓		Rep Eliot Glassheim	✓	
Rep Joe Kroeber	✓		Rep Clark Williams	✓	

Total Yes 8 No 0

Absent 0

Floor Assignment Kempenich

If the vote is on an amendment, briefly indicate intent:

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1011

Page 1, line 17, replace "4,378,001" with "4,666,001"

Page 1, line 19, replace "4,676,520" with "4,964,520"

Page 1, line 21, replace "3,750,251" with "4,038,251"

Page 2, line 4, replace "35,376,823" with "35,664,823"

Page 2, line 6, replace "39,496,128" with "39,784,128"

Page 2, line 8, replace "23,831,113" with "24,119,113"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Dept. 504 - Highway Patrol

HOUSE - The field operations line item is increased by ^{150,000}~~\$200,000~~ from the general fund to provide funding for the purchase of automatic external defibrillators for patrol units.

Date: 2/1/07
Roll Call Vote #: _____

2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1011

House _____ Appropriations- Government Operations _____ Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number 78011.0102

Action Taken Do Pass by Voice Vote

Motion Made By SKARPHOL Seconded By WILLIAMS

Representatives	Yes	No	Representatives	Yes	No
Chairman Al Carlson			Vice Chairman Ron Carlisle		
Rep Keith Kempenich			Rep Bob Skarphol		
Rep Blair Thoreson			Rep Eliot Glassheim		
Rep Joe Kroeber			Rep Clark Williams		

Total Yes 8 No 0

Absent 0

Floor Assignment _____

If the vote is on an amendment, briefly indicate intent:

AEDs

130 AEDs = \$150,000.

Take \$150,000 from the \$400,000 for training to fund this. The remaining \$250,000 should ~~be~~ remain for training

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1011

Page 1, line 17, replace "4,378,001" with "4,011,065"

Page 1, line 18, replace "92,014" with "(57,986)"

Page 1, line 19, replace "4,676,520" with "4,159,584"

Page 1, line 20, replace "926,269" with "(3,518,326)"

Page 1, line 21, replace "3,750,251" with "7,677,910"

Page 2, line 4, replace "35,376,823" with "35,009,887"

Page 2, line 5, replace "1,551,289" with "1,401,289"

Page 2, line 6, replace "39,496,128" with "38,979,192"

Page 2, line 7, replace "15,665,015" with "11,220,420"

Page 2, line 8, replace "23,831,113" with "27,758,772"

Page 2, line 10, replace "\$8,644,595" with "\$4,200,000"

Page 2, after line 21, insert:

"SECTION 6. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO SIXTY-FIRST LEGISLATIVE ASSEMBLY. The total general fund appropriation line item in section 3 of this Act includes \$842,000 for the one-time funding items identified in this section. This amount is not a part of the agency's base budget to be used in preparing the 2009-11 executive budget. The highway patrol shall report to the appropriations committees of the sixty-first legislative assembly on the use of this one-time funding for the biennium beginning July 1, 2007, and ending June 30, 2009.

In-car video equipment	\$642,000
Capitol security software	50,000
Automatic external defibrillators	<u>150,000</u>
Total	<u>\$842,000"</u>

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

House Bill No. 1011 - Highway Patrol - House Action

	EXECUTIVE BUDGET	HOUSE CHANGES	HOUSE VERSION
Administration	\$2,568,016		\$2,568,016
Field operations	35,376,823	(\$366,936)	35,009,887
Law Enforcement Training Academy	<u>1,551,289</u>	<u>(150,000)</u>	<u>1,401,289</u>
Total all funds	\$39,496,128	(\$516,936)	\$38,979,192

Less estimated income	<u>15,665,015</u>	<u>(4,444,595)</u>	<u>11,220,420</u>
General fund	\$23,831,113	\$3,927,659	\$27,758,772
FTE	197.00	(4.00)	193.00

Dept. 504 - Highway Patrol - Detail of House Changes

	REMOVES NEW TROOPERS ¹	REMOVES NEW CAPITOL SECURITY POSITIONS ²	ADDS NEW TROOPERS ³	ADDS SALARY EQUITY FUNDING ⁴	REDUCES TRAINING FUNDING ⁵	ADDS EQUIPMENT ⁶
Administration						
Field operations	(\$716,936)	(\$358,468)	\$358,468	\$200,000		\$150,000
Law Enforcement Training Academy					(\$150,000)	
Total all funds	(\$716,936)	(\$358,468)	\$358,468	\$200,000	(\$150,000)	\$150,000
Less estimated income	<u>(193,972)</u>	<u>(96,986)</u>	<u>96,986</u>			
General fund	(\$522,964)	(\$261,482)	\$261,482	\$200,000	(\$150,000)	\$150,000
FTE	(4.00)	(2.00)	2.00	0.00	0.00	0.00
	CHANGES FUNDING SOURCE ⁷	TOTAL HOUSE CHANGES				
Administration						
Field operations		(\$366,936)				
Law Enforcement Training Academy		(150,000)				
Total all funds	\$0	(\$516,936)				
Less estimated income	<u>(4,250,623)</u>	<u>(4,444,595)</u>				
General fund	\$4,250,623	\$3,927,659				
FTE	0.00	(4.00)				

¹ This amendment removes the 4 new FTE trooper positions added in the executive budget for northern border security and for additional coverage in the Fargo area.

² Funding added in the executive budget for 2 new FTE Capitol security positions is removed.

³ This amendment adds 2 new FTE trooper positions, the responsibilities for each are as determined by the Highway Patrol superintendent.

⁴ This amendment adds \$200,000 from the general fund and allows the Highway Patrol to spend savings from within its 2007-09 biennium budget for providing salary equity adjustments for troopers and sergeants. This funding is in addition to the agency's share of the statewide salary equity pool. The agency may spend up to \$594,387 in total salary equity adjustments for the 2007-09 biennium. The Human Resource Management Services

⁵ Division of the Office of Management and Budget is not to consider the additional salary equity funding provided in this Act in its calculation of the Highway Patrol's share of the statewide salary equity pool.

⁶ Funding for training law enforcement officers and other emergency services providers across the state is reduced from \$400,000 to \$250,000.

⁷ Funding is added for the purchase of automatic external defibrillators for patrol units.

⁸ General fund support for the Highway Patrol is increased and funding from the highway tax distribution fund is reduced from \$8,644,595 to \$4,200,000.

A section is added identifying the one-time funding included in the budget and providing for a report to the 2009 Legislative Assembly on the agency's use of the one-time funding.

Date: 2/5/07
Roll Call Vote #: 00

2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1011

House Appropriations Full Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken

Motion Made By

Seconded By

Representatives	Yes	No	Representatives	Yes	No
Chairman Svedjan					
Vice Chairman Kempenich					
Representative Wald			Representative Aarsvold		
Representative Monson			Representative Gulleon		
Representative Hawken					
Representative Klein					
Representative Martinson					
Representative Carlson			Representative Glassheim		
Representative Carlisle			Representative Kroeber		
Representative Skarphol			Representative Williams		
Representative Thoreson					
Representative Pollert			Representative Ekstrom		
Representative Bellew			Representative Kerzman		
Representative Kreidt			Representative Metcalf		
Representative Nelson					
Representative Wieland					

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

If the vote is on an amendment, briefly indicate intent:

Vote - carries

Date: 2/5/07
Roll Call Vote #: 212

2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1011

House Appropriations Full Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken DP is amended

Motion Made By Kemp Seconded By Wald

Representatives	Yes	No	Representatives	Yes	No
Chairman Svedjan	✓				
Vice Chairman Kempenich	✓				
Representative Wald	✓		Representative Aarsvold	✓	
Representative Monson	✓		Representative Gulleon	✓	
Representative Hawken	✓				
Representative Klein	✓				
Representative Martinson	✓				
Representative Carlson	✓		Representative Glassheim	✓	
Representative Carlisle	✓		Representative Kroeber	✓	
Representative Skarphol	✓		Representative Williams	✓	
Representative Thoreson	✓				
Representative Pollert	✓		Representative Ekstrom	✓	
Representative Bellew		✓	Representative Kerzman	✓	
Representative Kreidt	✓		Representative Metcalf	✓	
Representative Nelson	✓				
Representative Wieland	✓				

Total (Yes) 23 No 1

Absent 0

Floor Assignment Kempenich

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

HB 1011: Appropriations Committee (Rep. Svedjan, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (23 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1011 was placed on the Sixth order on the calendar.

Page 1, line 17, replace "4,378,001" with "4,011,065"

Page 1, line 18, replace "92,014" with "(57,986)"

Page 1, line 19, replace "4,676,520" with "4,159,584"

Page 1, line 20, replace "926,269" with "(3,518,326)"

Page 1, line 21, replace "3,750,251" with "7,677,910"

Page 2, line 4, replace "35,376,823" with "35,009,887"

Page 2, line 5, replace "1,551,289" with "1,401,289"

Page 2, line 6, replace "39,496,128" with "38,979,192"

Page 2, line 7, replace "15,665,015" with "11,220,420"

Page 2, line 8, replace "23,831,113" with "27,758,772"

Page 2, line 10, replace "\$8,644,595" with "\$4,200,000"

Page 2, after line 21, insert:

"SECTION 6. SALARY EQUITY POOL - EFFECT ON SHARE OF STATEWIDE EQUITY POOL. The general fund appropriation included in section 3 of this Act includes \$200,000 of additional funding for salary equity adjustments for troopers and sergeants. The human resource management services division of the office of management and budget may not consider this additional funding in its calculation of the highway patrol's share of the statewide salary equity pool for the biennium beginning July 1, 2007, and ending June 30, 2009.

SECTION 7. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO SIXTY-FIRST LEGISLATIVE ASSEMBLY. The total general fund appropriation line item in section 3 of this Act includes \$842,000 for the one-time funding items identified in this section. This amount is not a part of the agency's base budget to be used in preparing the 2009-11 executive budget. The highway patrol shall report to the appropriations committees of the sixty-first legislative assembly on the use of this one-time funding for the biennium beginning July 1, 2007, and ending June 30, 2009.

In-car video equipment	\$642,000
Capitol security software	50,000
Automatic external defibrillators	<u>150,000</u>
Total	\$842,000"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

House Bill No. 1011 - Highway Patrol - House Action

	EXECUTIVE BUDGET	HOUSE CHANGES	HOUSE VERSION
Administration	\$2,568,016		\$2,568,016
Field operations	35,376,823	(\$366,936)	35,009,887
Law Enforcement Training Academy	1,551,289	(150,000)	1,401,289
Total all funds	\$39,496,128	(\$516,936)	\$38,979,192
Less estimated income	<u>15,665,015</u>	<u>(4,444,595)</u>	<u>11,220,420</u>
General fund	\$23,831,113	\$3,927,659	\$27,758,772
FTE	197.00	(4.00)	193.00

Dept. 504 - Highway Patrol - Detail of House Changes

	REMOVES NEW TROOPERS ¹	REMOVES NEW CAPITOL SECURITY POSITIONS ²	ADDS NEW TROOPERS ³	ADDS SALARY EQUITY FUNDING ⁴	REDUCES TRAINING FUNDING ⁵	ADDS EQUIPMENT ⁶
Administration						
Field operations	(\$716,936)	(\$358,468)	\$358,468	\$200,000		\$150,000
Law Enforcement Training Academy					(\$150,000)	
Total all funds	(\$716,936)	(\$358,468)	\$358,468	\$200,000	(\$150,000)	\$150,000
Less estimated income	<u>(193,972)</u>	<u>(96,986)</u>	<u>96,986</u>			
General fund	(\$522,964)	(\$261,482)	\$261,482	\$200,000	(\$150,000)	\$150,000
FTE	(4.00)	(2.00)	2.00	0.00	0.00	0.00
	CHANGES FUNDING SOURCE ⁷	TOTAL HOUSE CHANGES				
Administration						
Field operations		(\$366,936)				
Law Enforcement Training Academy		(150,000)				
Total all funds	\$0	(\$516,936)				
Less estimated income	<u>(4,250,623)</u>	<u>(4,444,595)</u>				
General fund	\$4,250,623	\$3,927,659				
FTE	0.00	(4.00)				

¹ This amendment removes the 4 new FTE trooper positions added in the executive budget for northern border security and for additional coverage in the Fargo area.

² Funding added in the executive budget for 2 new FTE Capitol security positions is removed.

³ This amendment adds 2 new FTE trooper positions, the responsibilities for each are as determined by the Highway Patrol superintendent.

⁴ This amendment adds \$200,000 from the general fund and allows the Highway Patrol to spend savings from within its 2007-09 biennium budget for providing salary equity adjustments for troopers and sergeants. This funding is in addition to the agency's share of the statewide salary equity pool. The agency may spend up to \$594,387 in total salary equity adjustments for the 2007-09 biennium. A section is added precluding the Human Resource Management Services Division of the Office of Management and Budget from considering the additional salary equity funding provided in this Act in its calculation of the Highway Patrol's share of the statewide salary equity pool.

⁵ Funding for training law enforcement officers and other emergency services providers across the state is reduced from \$400,000 to \$250,000.

⁶ Funding is added for the purchase of automatic external defibrillators for patrol units.

⁷ General fund support for the Highway Patrol is increased and funding from the highway tax distribution fund is reduced from \$8,644,595 to \$4,200,000.

A section is added identifying the one-time funding included in the budget and providing for a report to the 2009 Legislative Assembly on the agency's use of the one-time funding.

2007 SENATE APPROPRIATIONS

HB 1011

2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 1011

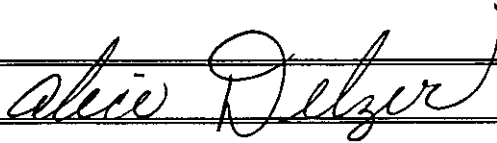
Senate Appropriations Committee

☐ Check here for Conference Committee

Hearing Date: 02-23-07

Recorder Job Number: 3760

Committee Clerk Signature



Minutes:

Chairman Holmberg opened the hearing on HB 1011 on February 23, 2007 regarding the Highway Patrol.

Colonel Bryan Klipfel, Superintendent of North Dakota Highway Patrol (NDHP) presented written testimony (1) and gave oral testimony in support of HB 1011. He said one of the most important goals of NDHP is to be visible. To make sure people are safe, we want to be visible. A Powerpoint presentation was done in the hearing. He stated we are a Traffic Safety Agency. He introduced several officers that were present. He gave an overview of the Agency and their Operational Goals. (See Written Testimony # 1) He also provided the Strategic Plan 2006 – 2010 (written testimony 2) and explained this testimony to the committee.

The Vision of the Highway Patrol is "Public safety through Quality Service".

The Mission of the Highway Patrol is to make a difference every day by providing high quality law enforcement services to keep North Dakota safe and secure.

Senator Grindberg had questions concerning the proposed 24 hour patrolling in Fargo, the number of accidents between 2:00 am and 8:00 am, and who is first responder in Fargo if an accident happens at 3:00 am. He was informed that if it is a fatal crash the NDHP usually get called out, which does create problems regarding overtime for our troopers.

Senator Bowman had questions regarding accidents, particularly fatal accidents in a working zone.

Colonel Klipfel stated that education and good patrolling have been successful in reducing the number of accidents in a working zone. He went on to share some of the needs of the NDHP that need to be addressed with this Legislation are to enhance employee welfare, Law Enforcement Training, defibrillators in patrol cars, need additional troopers, the In-car video system, (perhaps the most important piece of equipment). These videos enhance the ability of the trooper, but the quality of the video needs to be improved. At this time two clips were shown to the committee in regards to the use of videos.

Senator Christmann asked how long these videos are retained and if they are installed in all patrol cars.

Colonel Klipfel stated that in a criminal case you keep them until the case has moved through the Court system. The others are usually kept 30 days. We have a storage issue. We have an analog system now, would like to switch to digital system, which would be far better as can be stored on the server and tagged. It could enhance our system greatly.

Senator Seymour asked how do you enrich your officer's experience when they are in a squad car all the time.

Colonel Klipfel stated we want our troopers out in the cars a lot. There is a big variety, you're involved with different things. The main thing we try to stress to our people is that you're making a difference when you are out there.

Senator Krauter asked about the process regarding vehicle damage and who pays for it.

Colonel Klipfel stated if the other party is at fault they go after them or their insurance company.

Senator Grindberg commented about the great job the Department is doing, and shared how he is impressed with the troopers and their stops and finding the drugs out there in the cars.

Senator Robinson asked about the Ford fleet.

Senator Bowman had comments and questions regarding accidents involving the deer and what can we do about them.

Colonel Klipfel stated that there were 4000 reports this last year regarding deer accidents, and is confident that many may have not even been reported.

Senator Fischer had questions regarding the DUI's and the fact that the NDHP is picking up more people, is there more people on the road or are you just being more vigilant in picking up more people?

Colonel Klipfel stated it is some of both. Our officers are better trained and they see the importance of getting the impaired driver off the road.

Vice Chairman Bowman closed the hearing on HB 1010.

2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. **HB 1011**

Senate Appropriations Committee

☐ Check here for Conference Committee

Hearing Date: **March 22, 2007**

Recorder Job Number: **5451**

Committee Clerk Signature

Janet Dunks (SH)

Chairman Holmberg opened with roll call

Senator Wardner distributed amendment 0201 describing highway patrol bill which is asking for 11 troopers and only 6 were put in the executive budget. When in the House, they reduced it from 6 down to 2. This amendment reinstates the 4 troopers back to 6. So instead of 2 as in the House, it will go back to 6. The rationale being that Fargo wants 24-hr service of the State Highway Patrol, with staff now they cannot have one patrol on 24-hour duty, they need to have a group of three. Three of the six patrols will be sent to Fargo area, as well as need one more at Capitol and one more in Williston. North Dakota has the smallest per capita force in the U.S. North Dakota has 138 sworn in, with 110 highway patrol troops on highway. This is reasonable request for public safety. The appropriation is increased to reflect pay of 4 more troopers.

Senator Wardner made a motion to move HB 1011 Amendment 0201.

Senator Tallackson seconded the motion.

Senator Holmberg asked to refresh our minds as to why the Executive budget that was dropped in the House and then why that was continued?

Allen Knudson, Legislative Council responded one of the things it had to do with the less estimated income is because the House brought 4.4 million out of the general fund into the

highway patrol. It was not a part of the highway tax distribution fund, it came right from the general fund.

Senator Christmann gave an explanation, are you adding or subtracting?.

Senator Wardner replied that there was \$150,000 in the operating budget that was made specific for defibrillators. The Colonel had concerns if we're ready to put in their vehicles and had concerns they had to take them in every night, and we're ready to put them all in 100 %. What we did then, out of \$150,000, we gave them flexibility, \$50,000 is for defibrillators, \$100,000 can be defibrillators or if needed for training, they can do that. If this is an issue, this will be in a conference committee.

Senator Christmann asked if that was a House commitment or the Governor.

Senator Wardner stated that as look at green sheets, it was the House.

Senator Robinson applauded committee for reinstating FTE's. Patrolmen are stretched and areas identified are called out to help in areas where needed.

Senator Krauter: There are 3 in Fargo, one at the Capitol, one in Williston, there were 2 of them in there already. The House did grant them 2. For the committee information, I thought about putting more in for negotiation, we're going to hold tight until we get to the House Conference Committee.

Senator Holmberg: Asked for a voice vote, unanimous "aye" votes moved motion on the bill.

Senator Tallackson moved a DO PASS AS AMENDED. Seconded by Senator Krebsbach.

A roll call vote was taken resulting in 14 yeas, 0 nays, 0 absent. The motion carried.

Senator Wardner will carry the bill.

The hearing on HB 1011 closed.

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1011

Page 1, line 1, after "patrol" insert "and to authorize line item transfers"

Page 1, line 17, replace "4,011,065" with "4,728,001"

Page 1, line 19, replace "4,159,584" with "4,876,520"

Page 1, line 21, replace "7,677,910" with "8,394,846"

Page 2, line 4, replace "35,009,887" with "35,726,823"

Page 2, line 6, replace "38,979,192" with "39,696,128"

Page 2, line 8, replace "27,758,772" with "28,475,708"

Page 2, after line 28, insert:

"SECTION 7. LINE ITEM TRANSFER - EXCEPTION - AUTHORIZATION.

Notwithstanding section 54-16-04, the highway patrol may transfer up to \$100,000 from the field operations line item in section 3 of this Act to the law enforcement training academy line item in section 3 of this Act for the biennium beginning July 1, 2007, and ending June 30, 2009. The highway patrol shall notify the office of management and budget of any transfers made pursuant to this section."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

House Bill No. 1011 - Highway Patrol - Senate Action

	EXECUTIVE BUDGET	HOUSE VERSION	SENATE CHANGES	SENATE VERSION
Administration	\$2,568,016	\$2,568,016		\$2,568,016
Field operations	35,376,823	35,009,887	\$716,936	35,726,823
Law Enforcement Training Academy	1,551,289	1,401,289		1,401,289
Total all funds	\$39,496,128	\$38,979,192	\$716,936	\$39,696,128
Less estimated income	<u>15,665,015</u>	<u>11,220,420</u>		<u>11,220,420</u>
General fund	\$23,831,113	\$27,758,772	\$716,936	\$28,475,708
FTE	197.00	193.00	4.00	197.00

Dept. 504 - Highway Patrol - Detail of Senate Changes

	RESTORES FUNDING FOR NEW TROOPERS ¹	TOTAL SENATE CHANGES
Administration		
Field operations	\$716,936	\$716,936
Law Enforcement Training Academy		
Total all funds	\$716,936	\$716,936
Less estimated income		
General fund	\$716,936	\$716,936

FTE

4.00

4.00

1 This amendment:

- Restores the 4 FTE trooper positions added in the executive budget but removed by the House.
- Provides that 1 of the 2 new FTE trooper positions added by the House may be used for providing Capitol security services.

A section is added allowing the Highway Patrol to transfer up to \$100,000 of the \$150,000 provided for purchasing automatic external defibrillators from the field operations line item to the Law Enforcement Training Academy line item to provide additional training for law enforcement officers and other emergency services providers.

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1011

Page 1, line 1, after "patrol" insert "; and to authorize line item transfers"

Page 1, line 17, replace "4,011,065" with "4,728,001"

Page 1, line 19, replace "4,159,584" with "4,876,520"

Page 1, line 21, replace "7,677,910" with "8,394,846"

Page 2, line 4, replace "35,009,887" with "35,726,823"

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Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

House Bill No. 1011 - Highway Patrol - Senate Action

	EXECUTIVE BUDGET	HOUSE VERSION	SENATE CHANGES	SENATE VERSION
Administration	\$2,568,016	\$2,568,016		\$2,568,016
Field operations	35,378,823	35,009,887	\$716,936	35,726,823
Law Enforcement Training Academy	1,551,289	1,401,289		1,401,289
Total all funds	\$39,498,128	\$38,979,192	\$716,936	\$39,696,128
Less estimated income	<u>15,665,015</u>	<u>11,220,420</u>		<u>11,220,420</u>
General fund	\$23,831,113	\$27,758,772	\$716,936	\$28,475,708
FTE	197.00	193.00	4.00	197.00

Dept. 504 - Highway Patrol - Detail of Senate Changes

	RESTORES FUNDING FOR NEW TROOPERS ¹	TOTAL SENATE CHANGES
Administration		
Field operations	\$716,936	\$716,936
Law Enforcement Training Academy		
Total all funds	\$716,936	\$716,936
Less estimated income		
General fund	\$716,936	\$716,936

FTE

4.00

4.00

1 This amendment:

- Restores the 4 FTE trooper positions added in the executive budget but removed by the House.
- Provides that 1 of the 2 new FTE trooper positions added by the House may be used for providing Capitol security services.

A section is added allowing the Highway Patrol to transfer up to \$100,000 of the \$150,000 provided for purchasing automatic external defibrillators from the field operations line item to the Law Enforcement Training Academy line item to provide additional training for law enforcement officers and other emergency services providers.

Date: 3/22
Roll Call Vote #: 1

2007 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1011

Senate Appropriations Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number

Action Taken DP w Amend

Motion Made By Tallack Seconded By Krebs

Senators	Yes	No	Senators	Yes	No
Senator Ray Holmberg, Chrm	✓		Senator Aaron Krauter	✓	
Senator Bill Bowman, V Chrm	✓		Senator Elroy N. Lindaas	✓	
Senator Tony Grindberg, V Chrm	✓		Senator Tim Mathern	✓	
Senator Randel Christmann	✓		Senator Larry J. Robinson	✓	
Senator Tom Fischer	✓		Senator Tom Seymour	✓	
Senator Ralph L. Kilzer	✓		Senator Harvey Tallackson	✓	
Senator Karen K. Krebsbach	✓				
Senator Rich Wardner	✓				

Total (Yes) 14 No 0

Absent 0

Floor Assignment Wardner

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

HB 1011, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1011 was placed on the Sixth order on the calendar.

Page 1, line 1, after "patrol" insert "; and to authorize line item transfers"

Page 1, line 17, replace "4,011,065" with "4,728,001"

Page 1, line 19, replace "4,159,584" with "4,876,520"

Page 1, line 21, replace "7,677,910" with "8,394,846"

Page 2, line 4, replace "35,009,887" with "35,726,823"

Page 2, line 6, replace "38,979,192" with "39,696,128"

Page 2, line 8, replace "27,758,772" with "28,475,708"

Page 2, after line 28, insert:

"SECTION 7. LINE ITEM TRANSFER - EXCEPTION - AUTHORIZATION.

Notwithstanding section 54-16-04, the highway patrol may transfer up to \$100,000 from the field operations line item in section 3 of this Act to the law enforcement training academy line item in section 3 of this Act for the biennium beginning July 1, 2007, and ending June 30, 2009. The highway patrol shall notify the office of management and budget of any transfers made pursuant to this section."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

House Bill No. 1011 - Highway Patrol - Senate Action

	EXECUTIVE BUDGET	HOUSE VERSION	SENATE CHANGES	SENATE VERSION
Administration	\$2,568,016	\$2,568,016		\$2,568,016
Field operations	35,376,823	35,009,887	\$716,936	35,726,823
Law Enforcement Training Academy	1,551,289	1,401,289		1,401,289
Total all funds	\$39,496,128	\$38,979,192	\$716,936	\$39,696,128
Less estimated income	<u>15,665,015</u>	<u>11,220,420</u>		<u>11,220,420</u>
General fund	\$23,831,113	\$27,758,772	\$716,936	\$28,475,708
FTE	197.00	193.00	4.00	197.00

Dept. 504 - Highway Patrol - Detail of Senate Changes

	RESTORES FUNDING FOR NEW TROOPERS ¹	TOTAL SENATE CHANGES
Administration		
Field operations	\$716,936	\$716,936
Law Enforcement Training Academy		

REPORT OF STANDING COMMITTEE (410)
March 22, 2007 12:01 p.m.

Module No: SR-54-5893
Carrier: Wardner
Insert LC: 78011.0202 Title: .0300

Total all funds	\$716,936	\$716,936
Less estimated income		
General fund	\$716,936	\$716,936
FTE	4.00	4.00

1 This amendment:

- Restores the 4 FTE trooper positions added in the executive budget but removed by the House.
- Provides that 1 of the 2 new FTE trooper positions added by the House may be used for providing Capitol security services.

A section is added allowing the Highway Patrol to transfer up to \$100,000 of the \$150,000 provided for purchasing automatic external defibrillators from the field operations line item to the Law Enforcement Training Academy line item to provide additional training for law enforcement officers and other emergency services providers.

2007 HOUSE APPROPRIATIONS

CONFERENCE COMMITTEE

HB 1011

2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. 1011

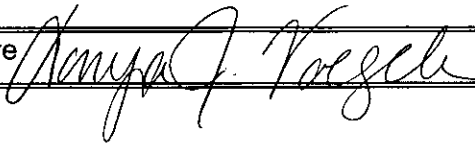
House Appropriations Committee
Government Operations Division

X Check here for Conference Committee

Hearing Date: 4/3/07

Recorder Job Number: 5733

Committee Clerk Signature



Minutes:

Representative Kempenich opened the discussion on House Bill 1011.

Roll was taken, with Senator Tallackson absent.

Senator Wardner explained the Senate's changes for House Bill 1011.

Senator Wardner: I would like you to go to page three of the amendments that were handed out by Legislative Council. Let's talk about the easiest part first and that is that a section was added allowing the Highway Patrol to transfer up to \$100,000 of the \$150,000 provided for purchasing the Automatic External Defibrillators from the field operations line item to law enforcement training academy. When we talked to them they had some concerns about putting these into their vehicles and felt there was some things they had to work out. They said as far as training they would possibly need some money for training. That is flexible. The \$100,000, it could all go for defibrillators or it could all go for training depending on where they are at in scheduling to put those units in their vehicles or part of the \$100,000 could go for both items. That was to give them some flexibility. That is what the Col. had asked for, some flexibility there and that is what we granted him. The other part and the only other area, we liked the way you sent the bill over, the only other part is that we did reinstate the four troopers. I believe the Executive Budget had asked for six the House granted them two. The big thing there that we

were looking at is the 24 hour coverage for the North Dakota Highway Patrol in the Fargo area.

The reasoning behind that is that it is the I-29 and I-24 crossing. I think the North Dakota

Highway Patrol has done a great job intercepting people that are bringing drugs into the state and this would just provide coverage during the hours from 12:00am to 10:00 in the morning.

They do try to provide coverage until about 2:00am or something like that. We looked at it as a public safety issue. We are willing to visit about that. That is kind of what we did. The rest of what you did we thought was good.

Representative Skarphol: Allen, 1064 did it survive in the Senate?

Allen Kundson: Yes.

Representative Skarphol: That money is available for the North Dakota Highway Patrol to utilize for salaries, training and equipment.

Allen Kundson: Yes.

Representative Skarphol: So that would give them some flexibility within their budget to do some things in regards to buying defibrillators or get training for the defibrillators or whatever.

Allen Knudson: That is true.

Senator Wardner: I believe it has been passed.

Representative Skarphol: Has it been signed?

Senator Wardner: I am not sure if it has been signed yet.

Representative Kempenich: Let's start with the \$100,000. We had \$400,000 in there when we started this session because that is what we had in there last session for training. If I remember right didn't we take part of that?

Representative Skarphol: If you look at number five on page two of the handout we received from LC you are correct.

Representative Kempenich: What was his reasoning?

Senator Wardner: His reasoning was that putting these defibrillators into the cars and if the cars sat outside in the winter time how they were going to handle them. Probably some procedural things like how they were going to take care of them. He didn't know if would get them all instituted this particular biennium. There for he asked for a little flexibility that they might not spend the entire \$150,000 on the defibrillators this time around.

Representative Kempenich: We talked a little bit about usage and that was one of the things. If you are going to do this it is kind of hard to pick and choose vehicles that they are going to put them in. That was one of our discussions. If you do half then half that was one of the issues to do it at all.

Representative Skarphol: I can understand the Col.'s concern about there potential effects of cold weather. I guess I would assume that is an issue that could be resolved. I don't know how many vehicles the North Dakota Highway Patrol has quite frankly. If it 10% more than the number of officers or 10% less.

Representative Kempenich: That is what it sounded like that they have more vehicles than people.

Senator Wanderer: I believe they have 137 troopers or sworn officers.

Senator Krebsbach: In there testimony it states that they currently have 127 patrol vehicles.

Representative Skarphol: OK but they have 197 FTEs.

Senator Krebsbach: Some of their FTEs are office support.

Representative Kempenich: Some are also some of the MCSAP employees.

Senator Wardner: We can come back and talk about that, I just want to talk about one other thing and that is Capital security and just get your thought or feelings on that. In his testimony to us his argument is that there is more and more things that are coming down on his people here at the capital. More is expected of them because of Capital security. When we did put the

four back we said that one of them could be here but I guess I think for me personally having the 24 hour coverage in Fargo is more important. My question for discussion would be is it the feds putting more pressure on to do more here or is it us? I am not quite as concerned about things here.

Representative Skarphol: Col, do you have full flexibility on where you put your officers?

Col. Klipfel: I can put them where ever they are needed.

Representative Skarphol: As far as putting an additional officer in Fargo that is within boundaries as well?

Col. Klipfel: Yes.

Senator Wardner: Along that line I am a little sensitive to the fact of all of the overtime of the officers. There may be other things that we need to consider. It is kind of like the people working at the prison. It really bothers me when we put all of this time and training into them and they work a little while and then go someplace else. The same thing is happening with the North Dakota Highway Patrol. I guess that was another thing that the committee was thinking when we reinstated the four is that if we can get rid of some of this overtime maybe we can make working conditions a little bit more tolerable for the officers. However I am sure there are other things that we need to consider as far as your officers coming on then leaving after a short period of time.

Representative Kempenich: I have the breakdown of overtime the Col. gave us in January. Col, when you do this overtime, do you base some kind of overtime in salary?

Col. Klipfel: We budget 500 hours of overtime per month. That overtime is for "call out" or if you have a DUI at the end of your shift and you need to process the DUI it covers those hours right there. Historically that is what we would use them for. Because we are a smaller agency

running 24 hour coverage we are going to get called a lot. We have other overtime programs like construction overtime, DUI Saturation overtime and Seatbelt Overtime.

Representative Kempenich: It looks like the regular call outs are your biggest at 12,000 hours that you budgeted last biennium.

Col. Klipfel: When we have troopers in the single person posts, the only way to get that area covered is when we get called out.

Representative Kempenich: That is where we are at. That was kind of an issue when you left were the four people.

Representative Skarphol: The logic behind our action in adding the \$200,000 in equity and not adding the other four officers is that the equity monies would hopefully maintain more of the people who leave. In other words when the Col. has a class go through that has 16 people in it he typically loses 25-30% of them relatively quickly. We were hoping that the extra equity dollars would help them retain those folks. We spend \$50,000 a piece training them and getting them up to speed then we lose them. We were hoping that we could retain them and by increasing the numbers you are again diluting the value of that equity pool. That is why we didn't grant the four additional FTEs.

Senator Wardner: So it was kind of the equity vs. the four troopers

Representative Williams: In visiting with the Col. we asked him specifically where he would like the money on a priority basis and we went with the equity pool for the reasons that Representative Skarphol stated. We were somewhat hesitant because if you take a look at the three, Executive vs. House vs. Senate changes, we are going to be relatively speaking considerably over the General Fund budget and we were mindful of that at the time.

Senator Krebsbach: You removed four positions and what was the dollar amount that was tied was that.

Representative Kempenich: It would be \$716,000.

Senator Krebsbach: Then you put \$200,000 back in for equity. So there is \$516,000 left.

Representative Kempenich: One of the things about the equity and the more we got into it we probably jumped the gun a little bit when we sat down and analyzed this equity business and what we did with the North Dakota Highway Patrol but we felt it was the right thing to do at the time because we screwed up other things in HR.

Senator Wardner: The \$4.4million was a good move and when you talk about General Fund dollars we were going to use that \$4.4million someplace either in the North Dakota Highway Patrol or in the DOT budget. Chances are it is going to be used. We have no arguments with what you did. The only area that I guess I would like the Col. to give us a response to this, is when we talk about the Fargo area and the 24/7 coverage, they gave you two, we extended it. Maybe we compromise, could you get by with three or do you absolutely need four to do the 24 hours? That would be my question.

Col. Klipfel: I think we could get by with 3 but we wouldn't have 24/7 coverage. We may have 24 hour coverage Thursday, Friday, Saturday, Sunday or something we would not be able to do the full seven day stretch. I think if we get three we will just have to compromise and try to cover the best we can with those officers there. As far as Representative Skarphol's idea of transferring from around the state we can do that too but where do you pull them from? We could pull the trooper from Bowman or Crosby where do you pull them from. We have to take a look at that too. We do have 44 outposts throughout the state so we have troopers stationed in rural posts and really a lot of our needs are in the bigger areas because of the traffic but we still want to maintain the coverage in the rural areas. To answer your question is that if we get three we just cut back on the 24/7 back to a few days.

Senator Wardner: That would be understandable.

Representative Skarphol: Col. will you bring us a map of the state of ND and show us where your officers are stationed, also where your overtime is spent.

Col. Klipfel: I will do that.

Discussion Closed.

2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. 1011

House Appropriations Committee
Government Operations Division

X Check here for Conference Committee

Hearing Date: 4/5/07

Recorder Job Number: 5786

Committee Clerk Signature

Minutes:

Representative Kempenich opened the discussion on 1011.

Roll was taken, all members were present.

Representative Kempenich: Colonel do you have some information for us?

Col. Klipfel handed out the map that was requested. Col. Klipfel explained the handout given.

Representative Williams: How many FTEs would the overtime hours be equivalent to?

Col Klipfel: It would be about 8.5 or 9. But the thing is even if we had 8.5 or 9 more employees, we'll still call out because we still can't cover 24 hours. So if the intent is to say that we'll give you more employees rather than overtime, that won't work. We'll still need the overtime. Even in Fargo right now they cover from 6am to 3am and they still have overtime.

Representative Williams: Will these FTEs that we put on if we do, will they basically cover relative to overtime.

Col Klipfel: Yes they will but we probably still have overtime. We budget about 500 hours per month for overtime for the statewide pool. Fargo's overtime come out of that pool.

Representative Skarphol: I also asked that you to provide us with the distribution of your officers. How many are located and where?

Col Klipfel: This chart breaks down all of the overtime that we have per trooper per area.

Senator Wardner: Cut right to the chase, one of the issues that is important to us is the 24/7 coverage in the Fargo area. It's a public safety thing. That is what we would like to take care of. We have six in the budget right now we would be willing to go to four or whatever it takes. I'm looking at it as the crossroads of the two interstates. If I was a drug runner I would go through at night.

Representative Kempenich: I think that is kind of where we are headed too in some form or fashion. The other issue is the defibrillators. I really think that if we are going to do this I think that we should have everything on the road to have one. If you do it for some I don't know how we can have them in some and not the other. They are first responders.

Senator Tallackson: In the legislature we usually have a pilot project for something new.

Senator Wardner: It is my understanding that they are going to do it and they may not need the whole \$150,000. When they put them in they want to put them all in.

Representative Kempenich: When we put in intent does that

Allen Knudson: They have program line items. They can always go to the emergency commission.

Representative Kempenich: My feeling is that the officers are first responders so they are trained in the use of these things. I got some information regarding the durability in the cold and I don't think that is an issue.

Col Klipfel: When we met with the Senate committee, I think one of the reasons that we decided to do that was because that money came out of the \$400,000 for law enforcement training. So it is money that could be used for other law enforcement around the state. I was trying to create a method so I am not hated by everybody for taking that money out of that fund so that we say ok we can use different amounts for different areas.

Senator Wardner: Do we have a price in what it would cost to put these defibrillators in all of the cars?

Representative Skarphol: The price tag for the schools was about \$400,000 with about 200 plus schools.

Representative Kempenich: The price was a lot higher originally.

Col Klipfel: We figured about \$1,100.

Senator Krebsbach: I think that giving them some flexibility to phase in the defibrillators as they see fit is critical. It offers them the opportunity to phase in on the defibrillators as they see fit to utilize it.

Representative Kempenich: I don't have a problem with it if they move ahead with it. If we are going to provide this there is a perception by the public that one HP has this and one doesn't.

Col Klipfel: There are some that have them.

Representative Skarphol: Do you typically have 16 officers in Fargo under the current scenario?

Col Klipfel: We have 8 outlying post officers.

Representative Skarphol: If you were fully staffed you would have 20 officers in the Fargo area.

Col Klipfel: This is an area we are consolidating. The statistics reflect regions.

Representative Skarphol: The consolidation of four regions that you are considering would result in less administrative officers and more patrol officers.

Col Klipfel: To a certain extent. He explained his set up and the roles of officers.

Representative Skarphol: If I remember right what we talked about last session is the technology and how that allowed officers to spend more time on the road. Refresh my memory as to that.

Col Klipfel: We want our troopers to be on the road for a minimum of 105 hours per month. They can do reports, citations, etc. in the car.

Representative Skarphol: Wasn't it about 20% more time.

Col Klipfel: That sounds about right.

Representative Skarphol: How is your staffing today?

Col Klipfel: For troopers, two biennium's ago we would have been 134 and today we have 138.

Col Klipfel: Even in the Fargo area, when there are icy roads you cannot just have one trooper at a crash scene. You need one trooper checking the crash and two other troopers directing traffic so they don't get hit. There's a lot of traffic in that area. It's a safety issue.

Representative Kempenich: I think we got some information here that we can mull over. I think the back part on this on the defibrillators..... I think I got a direction here and that it is our intent is to have the HP figure it out.

Senator Tallackson: If they think they need these why don't we give them the money to buy them and not taking it out of the training budget?

Representative Kempenich: We provided \$400,000 two years ago for training efforts and they had some people come in and they went through that program and we asked them what their intent was next. There was some carryover, and this was something that we started last biennium so it was our feeling there was some room to take some money out of this area and go in this direction.

Senator Wardner: There was carryover in the training?

Col Klipfel: Maybe about \$40,000 or \$50,000.

Representative Williams: Would you do that again and was it worth it?

Col Klipfel: I think it was. Before, we sent them out of state. This was good for some of them who couldn't afford to send them away so we had it here in Bismarck.

Representative Williams: When you had them come to you, how many came to the class?

Col Klipfel: About 30.

Representative Skarphol: If I am not incorrect the asset forfeiture fund passed the senate, am I correct?

Col Klipfel: yes

Representative Skarphol: In the last biennium you would have had a fairly significant amount of money go into that fund. The utilization of that fund could be used for salaries, equipment and training.

Col Klipfel: And overtime.

Representative Skarphol: If we went along with the senate amendments to allow the training dollars and put language in here that if there was a need for more defibrillators it would would come out of that fund.

Col Klipfel: Based on the guidelines on the fund, you can't use it to supplant your budget. But there are some areas we could use it for.

Senator Wardner: If there is any money left there is roll up dollars that would go to the General Fund correct?

Representative Kempenich: Yes

Senator Krebsbach: The defibrillators are becoming very very popular and there are organizations that are donating them for various causes. I really see that the highway patrol could be the benefactors of some of these program.

Representative Kempenich: I think after we get some explanation we know that this is important.

Representative Skarphol: What is the bill number on the asset forfeiture fund?

Allen Knudson: 1064.

The conference committee was adjourned.

2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. 1011

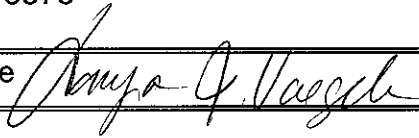
House Appropriations Committee
Government Operations Division

☒ Check here for Conference Committee

Hearing Date: 4/9/07

Recorder Job Number: 5878

Committee Clerk Signature



Minutes:

Representative Kempenich opened the discussion on House Bill 1011.

All members were present.

Representative Kempenich: I think where we are at is what to do with the positions.

Representative Skarphol: I think in our subsection of appropriations on the House side, we asked the Col what he thought was more important, equity or troopers. We gave him a choice between \$200,000 and two FTEs and he chose the \$200,000.

A motion was made by Representative Skarphol seconded by Representative Williams for the SENATE to RECEDE from the SENATE amendments.

Senator Wardner: We like all of the amendments that the House put on except the one. For example the amendment that added \$200,000 general fund for equity. When you think in fact of what it costs to train these people and stuff like this. I compliment you on a good move. That was a good stroke of business. We like that. We still feel that the 24 hour coverage in Fargo is essential. When you look at some of the testimony that we provided, they are working with about the same staff that they did in 1997. The requests are up. They are going from about 6:00am then around until 3:00am. I think it is a public safety thing. It is in an area that I think it

serves all of ND if they can have 24 hour coverage. They need the two troopers that you put in plus two more troopers that we would like to still see them add in order to do this. If you don't there is going to be a lot of pressure on those people that are there. We want to keep those people rather than them leaving the patrol and going to some other type of law enforcement. That is kind of where we are at.

Representative Skarphol: I believe the logic in the House was by putting the \$200,000 into equity there would be a higher likelihood that the Col would be able to retain those folks that he trains. He has a fairly substantial drop out rate in his training program and we were hopeful that retaining those people that he trains would give him more staff to work with. Rather than run with vacancies because he has lost people due to competition with other law enforcement entities. We thought from our perspective that we made the best proposal to help him work through his issues. We agree with the fact of the coverage but we don't have any more miles of highway today than we had in 1997.

Senator Krebsbach: I would agree that there are no more highway miles today than there was but duties have changed. There was 9-11 there has been an excessive amount of Northern Tier Border that they have had to do extra coverage on. My thought is that if we could get at least the minimum of the two more people we actually put in four if we could compromise with the two we maybe could even see a reduction in some of this overtime that we are paying now.

Senator Wardner: When we had six in there, we were looking at one more here at the capital and there are some demands here. I think we can get by here I don't see the terrorists lurking to hit the ND state capital. The one trooper probably would have ended up in Williston and that is kind of an active area and they do have a lot of overtime. I don't know if another trooper would have cut down on that I think it would some but I think there is a need because of all of

the oil activity. You have people coming in from all over the country and there is a demand. I would like to say that in our community that I come from, we are very fortunate. The county, the city and the North Dakota Highway Patrol all work together. They all help each other out. I don't believe that to be the case in many of our other communities.

Senator Tallackson: I still believe in the Governor's Budget. I think he was pretty reasonable with the people he put in. I would like to see the four put in.

Senator Wardner: What the North Dakota Highway Patrol asked for and then the Governor chopped them down I think they wanted 11 FTEs and the Governor took them down to six.

MOTION FAILED.

Representative Skarphol: In the interest of trying to get off dead center, I think the House was pretty committed to their position however I am the one who made the motion with regards to the \$200,000 equity.

A motion was made by Representative Skarphol, seconded by Representative Williams to remove the \$200,000 in equity and add two troopers.

Senator Wardner: I am going to oppose that because what you did was a good thing. If the addition of the two troopers put us over the executive budget I might think different but being that we are still below it by about \$115,000 I would not vote to take that out.

Representative Kempenich: One of the things that we are running into, it is a different game when you get into the law enforcement. The Attorney General's office came in with their agents and we are looking at how this affected them. They fall into the same classifications. The North Dakota Highway Patrol troopers, compared with other state government law enforcement are at or maybe a little higher than the midpoint.

Representative Skarphol: I think the motion in fact puts us right at the Governor's budget because two troopers is \$358,000. If you take out the \$200,000 we are right at the Governor's Budget. That is the reason for the motion.

Senator Wardner: That is true however we think the equity funding is equally important as the troopers. We are not quite ready to give that up.

Representative Skarphol: When the Col was asked, what he would take between the equity money and troopers he said the equity money.

Senator Tallackson: I was on the same committee last session. We were pretty tough on the North Dakota Highway Patrol at that time. It seems to me that the conditions are a little better now for our first line of defense with what is happening around the world and we are cutting back on the Governor's right arm as far as police protection. I think we should follow the Governor's budget. At least put in four.

Representative Williams: I understand what you are saying. I think we all understand that we are trying to prioritize and trying to spend the right amount of money so to speak.

MOTION FAILED.

A motion was made by Senator Wardner, seconded by Senator Tallackson that the HOUSE ACCEDE to the SENATE amendments.

MOTION FAILED.

2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. 1011

House Appropriations Committee
Government Operations Division

☒ Check here for Conference Committee

Hearing Date: 4/12/07

Recorder Job Number: 5999

Committee Clerk Signature

Minutes:

Representative Kempenich opened the discussion on Senate Bill 1011.

All members were present.

Senator Wardner: We like what was done. We even came down on the troopers. One of our states biggest problems is drugs especially the Fargo area with the interstates crossing. We're all concerned about the ending funds, the balance. We are under the executive budgets. We like everything you did on your side.

Representative Kempenich: It was offered the other day - we really didn't want to change the numbers that we passed over. I don't care how we work it. I think the colonel indicated that he could live with three or two or we need to look at the equity. How to do it is what we're struggling with.

Senator Wardner: So it is the dollars that you are concerned with? We're at about 360,000 more than what you sent over.

Representative Kempenich: The way it's sitting right now, if we went down to about 2 plus the equity we'd be about 360 because you increased it to 700+. The biggest thing is that this 200 wasn't in there and we're trying to deal with some issues that they were dealing with with regard to outside influences or forces. What got us too was the number of open positions that

they have around the state. They are looking at 16 positions that are open or will be open before the end of this biennium and that's why we wanted the emergency clause. They have a hard time keeping what they have and they want more. :He said he could live with 3 and we could mess with the equity on it.

Senator Wardner: One of the things that I would like to mention regarding the equity money that you added in the house I think is important because it addresses the vacancies that they have. But adding 2 people could help them in the Fargo area. I see both things as kind of healthy, but the equity I think is critical. I guess if you'd like to take a look and think about it.

Representative Kempenich: They are spending more time on the road. Cutting down on the overtime would create issues too. Overtime is not part of the base salary.

Senator Wardner: Are you kind of indicating that you might agree with three troopers?

Representative Kempenich: Three total and the equity stays where it is.

Hearing closed.

2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. 1011

House Appropriations Committee
Government Operations Division

☒ Check here for Conference Committee

Hearing Date: 4/16/07

Recorder Job Number: 6031

Committee Clerk Signature

Minutes:

Representative Kempenich opened the discussion on House Bill 1011.

All members are present.

Senator Wardner: I'll make a motion for the **SENATE TO RECEDE FROM THE SENATE**

AMENDMENTS AND FURTHER AMEND ...what we're looking at is adding 1 trooper to which we would put the funding in for and adding another trooper without incorporation, that they would have to define in their budget over the course of the biennium.

Senator Wardner made a motion that the SENATE to RECEDE from the SENATE amendments.

Senator Thallackson seconded the motion

Senator Wardner: As far as addressing budget concerns, I know we're trying to make sure we get under a certain ending balance. We appreciate that and I think we are doing that here.

Representative Kempenich: I guess FTE's are as big as funding.

Senator Wardner: I think that this is important. We need these people. They take care of the public safety in the state. Allowing the patrol to be able to do it 24/7 in the Fargo area is critical

11-16-07

to public safety. It has a lot of impact to the state. If they pick up a couple of runs of drugs it may save someone from getting involved in drugs because they weren't there, which may keep someone out of prison. It's not like we're giving them everything they want because they did want 11 and we cut them back to 6. And we've now cut them back to 4. I think we need to do everything we can with those equity dollars. I know other agencies will wanted to be treated the samek, but I think that this is a high priority when you think about the big picture. I like that part. And we need to give them enough troopers to be able to do the 24/7 in Fargo.

Senator Krebsbach: For clarification, we're adding 1 funded FTE and the authority to add 1 more within their own budget.

A Roll Call Vote Was Taken

The Motion Lost

The meeting was adjourned

2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. **HB 1011**

House Appropriations Committee
Government Operations Division

☒ Check here for Conference Committee

Hearing Date: 4/17/07

Recorder Job Number: #6099

Committee Clerk Signature

Minutes:

Representative Kempenich opened the discussion on House Bill 1011.

All members are present.

A motion was made by Senator Wardner, seconded by Senator Krebsbach for a recommendation that the HOUSE ACCEDE to the SENATE amendments.

Senator Wardner: We would like you to take this and run it past your people on the floor and see what they think.

Representative Skarphol: Asked that Senator Wardner explain what he (unable to understand).

Senator Wardner: The bill would be just the way it came out of the Senate. It would have six troopers in it, which has been our bone of contention and it would have the other things the Senate put in it. Along with some of the things the House sent over. Other than the troopers it is basically what we received from the House. The House had 2 troopers in we put in 6 troopers. We also have the defibrillators thing where we gave the patrol the flexibility on 100,000 Over the 150,000.

Page 2

House Appropriations Committee

Government Operations Division

Bill/Resolution No. HB 6099

Hearing Date: ~~3/17/07~~

4-17-07

Reps Skarphol: As I was coming down here, I bumped into our leader in the House side and I can't vote on this as the conversation I had with him but I will certainly approach him with what you would like us to do.

Senator Wardner: I think that is fair.

Reps Kempenich: Asked for a Roll Call Vote.

The vote 3 Yes and 3 No and then the meeting will be adjourned.

2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. 1011

House Appropriations Committee
Government Operations Division

☒ Check here for Conference Committee

Hearing Date: 4/18/07

Recorder Job Number: 6131

Committee Clerk Signature

Minutes:

Representative Kempenich opened the discussion on House Bill 1011.

All members were present.

Senator Wardner made a motion that the **SENATE RECEDE** from the **SENATE** amendments and further amend giving the **HP** one more trooper that is funded and the authority for another trooper in which they will have to fund out of their budget. The **HP** also must report to **Budget Section** before hiring another trooper.

Senator Krebsbach seconded the motion.

Senator Wardner: I think this is fair and I think it's fair that they tell what they are doing to the budget section.

Representative Kempenich: I hope they don't use this equity money to fund another position. We all want the money to go to the right places.

Allen Knudson: It is all rolled into the operating line.

Senator Wardner: I would agree with you. The way the bill is written they cannot use the equity money to hire another trooper.

Allen Knudson: The legislative intent is there - for equity increases.

Page 2
House Appropriations Committee
Government Operations Division
Bill/Resolution No. HB 1011
Hearing Date: 4-18-07

The motion passed.

The amendments will be reviewed after they are written up.

2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. **HB1011**

House Appropriations Committee
Government Operations Division

☒ Check here for Conference Committee

Hearing Date: 4/20/07

Recorder Job Number: 6221

Committee Clerk Signature

Minutes:

Representative Kempenich opened the discussion on House Bill 1011.

All members are present.

Representative Kempenich: We are back here again because the House did not like our advice on FTE's on 1011

Senator Krebsbach: Did the House reject the Conference Committee Report?

Representative Kempenich: Yes the Report.

Representative Skarphol: It was pretty clear that they were not going to accept the additional patrolman. In the interest of compromise what I offered on the House Floor and what I am willing offer of the committee is that we increase the money in the equity pool with the regard to the Highway Patrol so they can attempt to retain more of the officers that they train. When we spend more that \$50,000 training people and we lose $\frac{3}{4}$ of them over a short period of time, it is a bad investment. In effort to keep those folks, I would move that we add \$100,000 to the equity pool to the Highway Patrol and I have been asked to remove the language that says that money will not be supplanted by the practices of HR. That money will be distributed prior to the equity pool and will be considered in the analysis for the 10 million dollar equity pool. We give them that exemption in the house and that is the only agency that has that

exemption, I was told by the OMB that could conceivably have a \$20,000 impact. So that within reality, they would reduce the equity pool contribution to the Highway Patrol because of this of the \$300,000 potentially by 20 so the net result would be that of the 300 is that 280,000 additional equity money compared had we not put anything in. The House is in hope that we can retain the folks, that we train and if we retain them we would have more patrolman on the road. So I make that motion

Rep Williams: seconded the motion.

Representative Kempenich: I should clarify this. You want the language to read how we passed it out of the House, that it was going to go to troopers?

Rep Skrarphol: Reference that said it would not be supplanted.

Allen Knudson: The Section dealt with that the Central Personnel was not to take that into consideration the equity pool, that the section we will take out in this motion. It would still be designated for troopers and sergeants.

Senator Tallackson: What is Houses rational for getting more troopers on the road?

Representative Kempenich: What was brought up was the open FTE positions that are exciting today are by the end of this biennium and how they were getting filled. The argument was if we have 14 open now and we had 1 or 2 more already open positions, so what are we gaining?

Senator Wardner: So there will still be the two troopers that the House put in? And the motion was to add another \$100,000 to the equity pool. How were you going to take?

Representative Kempenich: We were just looking at the 1 and taking the language out on the contingency.

Senator Wardner: So when you are talking about the one are you talking about the one that they didn't have the money for but was in the budget? Are you talking about that one?

Representative Kempenich: We are talking about are talking about what the Conference Committee past here the other day.

Senator Wardner: So we are taking two troopers out.

Representative Skarphol: The proper motion "That the Senate recede from the Senate amendments and that we further amend and add \$100,000 to the bill as it came out of the House.

Senator Wardner: I understand that you rejected it because of the troopers. That would not do us any good to hassle over the two troopers. But the dollars we reduced that went along with that one trooper, we are close to \$180,000. I would like to see \$150,000 instead of 100,000 going into that equity. If I understand Rep Skarphol right, that is money before the State's 10 million dollar equity. Do I understand that right?

Representative Kempenich: What was brought in to us by the Col was what he thought he would need for equity to help out his people. This is roughly \$600,000. What we did was cut that to about 1/3. That is where we came up with the 200,000 and the equity pool was roughly 200,000. He indicated that memo that he was going to look for 190,000 in his budget. What we are doing here with this amendment would be, he would have to find about 90,000 in his budget to meet what he would need.

Senator Wardner: I would like Representative Skarphol to go over again what this means in the big picture.

Representative Skarphol: In our discussion in the AGs budget there is a substantial equity pool. Senator Holmberg expressed his frustration to the fact that only remaining agency that was given any kind of special consideration with regard to the equity dollars was the Highway Patrol. He asked that the special consideration any kind of activity on this bill that we remove that special consideration to where all agencies would be treated the same with regards to how

the equity dollars would flow that were added to their budgets in comparison to other agencies.

All I want to do with this motion is to remove that references that gives them special consideration with regard to how the money is going to flow with equity pools.

Allen Knudson: That the Senate recedes from their amendments and that we add 100,000 dollars to the equity pool and remove section 6 of the engrossed bill that provides the exemption relating to the State wide equity pool. I do have one question in regards to whether the sad language regard to the defibrillators?

Representative Skarphol: That would stay as a flexibility that the Senate has put in. That would be the motion.

Senator Krebsbach: Would the House consider doing something with the fact with the monies and the dollars added for equity. Should there be some flexibility given to adding at least one additional patrolman rather than putting it all in equity? I find it taking a lot away from them, they know best how to handle their agency and I feel that they need a little flexibility.

Representative Skarphol: I think the Col has a great deal of flexibility in where he locates his personnel, how he utilizes his personnel, whether he moves them somewhere else, he has a great deal of flexibility. What we are doing is trying to retain his officers.

Representative Kempenich: I think committee that this one of the underlying issues all along. If there were a full complement at the time of the session where we were not looking at large vacancies, that is been one of the big augments.

Senator Wardner: I want to make sure I understand the effect of the motion.

Representative Skarphol: By the actions that I am proposing they would have somewhere in the area an additional \$80,000 available from the results of this motion, but they still will get there contribution from the equity pool that will be may reduced. These will \$20,000 reduction.

Senator Wardner: But this 200,000 stays in the bill and you would put another 100,000 in it.

Joe Morrisette: I will agree with what Rep Skarphol said. By not taking in to account the 200,000 distribution before the equity pool was distributed had a net effect of somewhat less than \$20,000. How distributing the 300,000 would affect the equity pool that would be somewhat larger number I suppose.

Senator Tallackson: If we left in Section 6 that get a whole (____). The 100,00 would not be reduced to 80,000?

Representative Kempenich: No

Senator Tallackson: Then why are we doing this?

Representative Kempenich: I think this was stated earlier that there were other issues with some other agencies and how it was distributed.

Senator Tallackson: You are saying you are give them 100,000 when they are really getting 80,000.

Representative Kempenich: We had a vote should we see where we are at?

Roll Call Vote was taken 3 Yes, 3 no. No other motion was made and it was suggest to wait.

Adjourned

2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. 1011

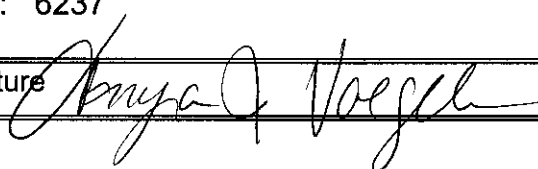
House Appropriations Committee
Government Operations Division

☒ Check here for Conference Committee

Hearing Date: 4/20/07

Recorder Job Number: 6237

Committee Clerk Signature



Minutes:

Chairman Carlson opened the discussion on House Bill 1011.

All members were present with Senator O'Connell replacing Senator Tallackson.

Chairman Carlson: I am going to fill in for Representative Kempenich who is not here. I am quite familiar with where you left off. If someone has further discussion, I know you were left with a 3-3 tie on an amendment when you left that removed section six of the bill and added \$100,000 into the equity line for pay. I guess we will continue our discussion from there.

Senator Wardner: We are getting pretty close. We are not going to ask for troopers. Because there is just about \$180,000 which was the money for that one trooper, what we would like to do is substitute that for the \$100,000 that Representative Skarphol had in his motion. We agree with everything else we would just like the amount. I am going to run that motion up the pole if we could.

A motion was made by Senator Wardner, seconded by Senator O'Connell for the SENATE to RECEDE FROM the SENATE amendments and adopt the verbal amendment adding \$180,000 for equity and removing section six of the engrossed bill.

Representative Kempenich arrived.

Chairman Carlson: I will turn the chair back over to Representative Kempenich.

Senator Wardner: Our reasoning is number one there is no troopers involved here. The funding we have talked about is the fact that we need to have more salary dollars available to keep those troopers on. This will do it. So we are taking that money that would have gone for that trooper and spreading it around the others and hoping we can keep that retention.

Representative Skarphol: I was not intending to go to that number. In the spirit of getting this over with I am assuming you want to retain section seven of the Senate engrossment which was the flexibility provision with regard to the defibrillators.

Senator Wardner: Yes, we are assuming that and we assumed that when we made your motion.

Representative Skarphol: I had a number written down of \$125,000. You want \$180,000. I will meet you half way.

Senator Wardner: You have a deal.

Representative Skarphol: That will be \$152,500. So I would offer a substitute motion for \$152,500 and the removal of section six from the House engrossments and the retention of section seven of the Senate engrossment.

A motion was made by Representative Skarphol, seconded by Representative Williams that the SENATE RECEDE to the SENATE amendments and adopt the verbal amendment adding \$152,500 for equity and removing section six and retaining section seven of the SENATE engrossed bill.

Motion carried.

**REPORT OF CONFERENCE COMMITTEE
(ACCEDE/RECEDE)**

Bill Number 1011 (, as (re)engrossed): Date: 4/9/07

Your Conference Committee House Approp. Gov Ops

For the Senate:

For the House:

YES / NO		YES / NO	
Sen. Krebsbach	N	Rep. Kempenich	Y
Sen. Wardner	N	Rep. Skarphol	Y
Sen. Tallackson	N	Rep. Williams	Y

recommends that the (SENATE/HOUSE) (ACCEDE to) (RECEDE from)

the (Senate/House) amendments on (SJ/HJ) page(s) _____ -- _____

_____, and place _____ on the Seventh order.

☒ , adopt (further) amendments as follows, and place _____ on the Seventh order:

_____, having been unable to agree, recommends that the committee be discharged and a new committee be appointed.

((Re)Engrossed) _____ was placed on the Seventh order of business on the calendar.

DATE: _____

CARRIER: _____

LC NO.	of amendment
LC NO.	of engrossment
Emergency clause added or deleted	
Statement of purpose of amendment	

MOTION MADE BY: SKARPHOL

SECONDED BY: Williams

VOTE COUNT 3 YES 3 NO ABSENT

Revised 4/1/05

**REPORT OF CONFERENCE COMMITTEE
(ACCEDE/RECEDE)**

Bill Number 1011 (, as (re)engrossed): Date: 4/9/07

Your Conference Committee House App. Gov ops

For the Senate:

For the House:

YES / NO		YES / NO	
Sen Krebsbach	Y	Rep Kempenich	N
Sen Wardner	Y	Rep Skarphol Skarphol	N
Sen Tallackson	Y	Rep Williams	U

recommends that the (~~SENATE~~ HOUSE) (ACCEDE to) (~~RECEDE~~ from)

the (Senate/House) amendments on (SJ/HJ) page(s) _____ -- _____

_____, and place _____ on the Seventh order.

_____, adopt (further) amendments as follows, and place _____ on the Seventh order:

_____, having been unable to agree, recommends that the committee be discharged and a new committee be appointed.

((Re)Engrossed) _____ was placed on the Seventh order of business on the calendar.

DATE: _____

CARRIER: _____

LC NO. _____	of amendment
LC NO. _____	of engrossment
Emergency clause added or deleted	
Statement of purpose of amendment	

MOTION MADE BY: Wardner

SECONDED BY: Tallackson

VOTE COUNT 3 YES 3 NO ABSENT

Revised 4/1/05

**REPORT OF CONFERENCE COMMITTEE
(ACCEDE/RECEDE)**

Bill Number 1000 (, as (re)engrossed):

Date: 4/16/07

Your Conference Committee House Appr. Gov Ops

For the Senate:

For the House:

YES / NO		YES / NO	
Sen. Wardner	Y	Rep Kempenich	N
Sen Krebsbach	Y	Rep Skarphol	N
Sen Tallackson	Y	Rep Williams	N

recommends that the (SENATE/HOUSE) (ACCEDE to) (RECEDE from)

the (Senate/House) amendments on (SJ/HJ) page(s) _____ -- _____

_____, and place _____ on the Seventh order.

X, adopt (further) amendments as follows, and place _____ on the Seventh order:

_____, having been unable to agree, recommends that the committee be discharged and a new committee be appointed.

((Re)Engrossed) _____ was placed on the Seventh order of business on the calendar.

DATE: _____

CARRIER: _____

LC NO.	of amendment
LC NO.	of engrossment
Emergency clause added or deleted	
Statement of purpose of amendment	

MOTION MADE BY: Wardner

SECONDED BY: Tallackson

VOTE COUNT 3 YES 3 NO 0 ABSENT

Revised 4/1/05

adding 1 trooper plus 14 troopers without funding

**REPORT OF CONFERENCE COMMITTEE
(ACCEDE/RECEDE)**

Bill Number 1011 (, as (re)engrossed):

Date: 4/17/07

Your Conference Committee House Approp Gov Ops

For the Senate:

For the House:

YES / NO		YES / NO	
Sen Wardner	Y	Rep Kempenich	N
Sen Krebsbach	Y	Rep Skarphol	N
Sen Tallackson	Y	Rep Williams	N

recommends that the (SENATE/HOUSE) (ACCEDE to) (RECEDE from)

the (Senate/House) amendments on (SJ/HJ) page(s) _____ -- _____

_____, and place _____ on the Seventh order.

_____, adopt (further) amendments as follows, and place _____ on the Seventh order:

_____, having been unable to agree, recommends that the committee be discharged and a new committee be appointed.

((Re)Engrossed) _____ was placed on the Seventh order of business on the calendar.

DATE: _____

CARRIER: _____

LC NO.	of amendment
LC NO.	of engrossment
Emergency clause added or deleted	
Statement of purpose of amendment	

MOTION MADE BY: Wardner

SECONDED BY: Krebsbach

VOTE COUNT ___ YES ___ NO ___ ABSENT

1 more trooper authority to add 1 other trooper.
must go before the budget

**REPORT OF CONFERENCE COMMITTEE
(ACCEDE/RECEDE)**

Bill Number 1011 (, as (re)engrossed): Date: 4/18/07

Your Conference Committee House Approp. Gov Ops.

For the Senate:

For the House:

YES / NO		YES / NO	
Wardner	Y	Kempenich	Y
Krebsbach	Y	Skarphol	N
Tallackson	Y	Williams	Y

recommends that the (SENATE/HOUSE) (ACCEDE to) (RECEDE from)

the (Senate/House) amendments on (SJ/HJ) page(s) _____ -- _____

_____, and place _____ on the Seventh order.

X, adopt (further) amendments as follows, and place 1011 on the
Seventh order:

_____, having been unable to agree, recommends that the committee be discharged
and a new committee be appointed.

((Re)Engrossed) _____ was placed on the Seventh order of business on the calendar.

DATE: _____
CARRIER: Kempenich

LC NO.	of amendment
LC NO.	of engrossment
Emergency clause added or deleted	
Statement of purpose of amendment	

MOTION MADE BY: Wardner

SECONDED BY: Krebsbach

VOTE COUNT 5 YES 1 NO 0 ABSENT

Revised 4/1/05

REPORT OF CONFERENCE COMMITTEE

HB 1011, as engrossed: Your conference committee (Sens. Wardner, Krebsbach, Tallackson and Reps. Kempenich, Skarphol, Williams) recommends that the **SENATE RECEDE** from the Senate amendments on HJ pages 1153-1154, adopt amendments as follows, and place HB 1011 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1153 and 1154 of the House Journal and pages 924 and 925 of the Senate Journal and that Engrossed House Bill No. 1011 be amended as follows:

Page 1, line 1, after "patrol" insert "and to authorize line item transfers"

Page 1, line 17, replace "4,011,065" with "4,190,299"

Page 1, line 19, replace "4,159,584" with "4,338,818"

Page 1, line 21, replace "7,677,910" with "7,857,144"

Page 2, line 4, replace "35,009,887" with "35,189,121"

Page 2, line 6, replace "38,979,192" with "39,158,426"

Page 2, line 8, replace "27,758,772" with "27,938,006"

Page 2, after line 28, insert:

"SECTION 7. LINE ITEM TRANSFER - EXCEPTION - AUTHORIZATION.

Notwithstanding section 54-16-04, the highway patrol may transfer up to \$100,000 from the field operations line item in section 3 of this Act to the law enforcement training academy line item in section 3 of this Act for the biennium beginning July 1, 2007, and ending June 30, 2009. The highway patrol shall notify the office of management and budget of any transfers made pursuant to this section.

SECTION 8. ADDITIONAL TROOPER POSITION - BUDGET SECTION

REPORT. The highway patrol may hire one additional FTE trooper position from funds appropriated to the patrol for the biennium beginning July 1, 2007, and ending June 30, 2009. Prior to filling this position, the highway patrol shall report to the budget section on the budget savings that resulted in funds being available for paying for this position and any additional costs relating to the position that may be necessary for the 2009-11 biennium."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

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

	EXECUTIVE BUDGET	HOUSE VERSION	CONFERENCE COMMITTEE CHANGES	CONFERENCE COMMITTEE VERSION	SENATE VERSION	COMPARISON TO SENATE
Administration	\$2,568,016	\$2,568,016		\$2,568,016	\$2,568,016	
Field operations	35,376,823	35,009,887	\$179,234	35,189,121	35,726,823	(\$537,702)
Law Enforcement Training Academy	1,551,289	1,401,289		1,401,289	1,401,289	
Total all funds	\$39,496,128	\$38,979,192	\$179,234	\$39,158,426	\$39,696,128	(\$537,702)
Less estimated income	<u>15,665,015</u>	<u>11,220,420</u>		<u>11,220,420</u>	<u>11,220,420</u>	

General fund	\$23,831,113	\$27,758,772	\$179,234	\$27,938,006	\$28,475,708	(\$537,702)
FTE	197.00	193.00	2.00	195.00	197.00	(2.00)

Dept. 504 - Highway Patrol - Detail of Conference Committee Changes

	RESTORES TROOPER POSITIONS ¹	TOTAL CONFERENCE COMMITTEE CHANGES
Administration		
Field operations	\$179,234	\$179,234
Law Enforcement Training Academy		
Total all funds	\$179,234	\$179,234
Less estimated income		
General fund	\$179,234	\$179,234
FTE	2.00	2.00

¹ This amendment:

- Restores funding for 1 of the 4 FTE trooper positions added in the executive budget but removed by the House. An additional FTE trooper position is authorized, but in order to fill the position, the Highway Patrol must use savings from within its 2007-09 biennium budget and report to the Budget Section on the source of the savings and any additional costs relating to the position for the 2009-11 biennium. The Senate had restored funding for 4 FTE trooper positions removed by the House.
- Provides that 1 of the 2 new FTE trooper positions added by the House may be used for providing Capitol security services, the same as the Senate version.

A section is added allowing the Highway Patrol to transfer up to \$100,000 of the \$150,000 provided for purchasing automatic external defibrillators from the field operations line item to the Law Enforcement Training Academy line item to provide additional training for law enforcement officers and other emergency services providers. The Senate also added this section.

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

Add \$100,000 for equity

Remove Section 6

REPORT OF CONFERENCE COMMITTEE
(ACCEDE/RECEDE)

Bill Number 1011 (, as (re)engrossed):

Date: 4/20/07

Your Conference Committee House App Gov Ops

For the Senate:

For the House:

YES / NO		YES / NO	
Wardner	N	Kampenich	Y
Krebsbach	N	SKARPHOL	Y
Talbackson	N	Williams	Y

recommends that the (SENATE/HOUSE) (ACCEDE to) (RECEDE from)

the (Senate/House) amendments on (SJ/HJ) page(s) _____ -- _____

_____, and place _____ on the Seventh order.

☒ adopt (further) amendments as follows, and place 1011 on the
Seventh order:

_____, having been unable to agree, recommends that the committee be discharged
and a new committee be appointed.

((Re)Engrossed) _____ was placed on the Seventh order of business on the calendar.

DATE: _____

CARRIER: _____

LC NO.	of amendment
LC NO.	of engrossment
Emergency clause added or deleted	
Statement of purpose of amendment	

MOTION MADE BY: Skarphol

SECONDED BY: Williams

VOTE COUNT 3 YES 3 NO _____ ABSENT

Revised 4/1/05

Add \$152,500 for equity. Remove Section 6.

REPORT OF CONFERENCE COMMITTEE
(ACCEDE/RECEDE)

Bill Number 1011 (, as (re)engrossed): Date: 4/20/07

Your Conference Committee House App. GovOps

For the Senate:

For the House:

YES / NO		YES / NO	
Sen Wardner	Y	Rep Kempenich	Y
Sen Krebsbach	Y	Rep Scarphol	Y
Sen O'Connell	N	Rep Williams	Y

recommends that the (SENATE/HOUSE) (ACCEDE to) (RECEDE from)

the (Senate/House) amendments on (SJ/HJ) page(s) 1153 -- 1154

____, and place _____ on the Seventh order.

X, adopt (further) amendments as follows, and place 1011 on the Seventh order:

____, having been unable to agree, recommends that the committee be discharged and a new committee be appointed.

((Re)Engrossed) 1011 was placed on the Seventh order of business on the calendar.

DATE: 4/20/07

CARRIER: Kempenich

LC NO.	of amendment
LC NO.	of engrossment
Emergency clause added or deleted	
Statement of purpose of amendment	

MOTION MADE BY: Scarphol

SECONDED BY: Williams

VOTE COUNT 10 YES 0 NO 0 ABSENT

REPORT OF CONFERENCE COMMITTEE

HB 1011, as engrossed: Your conference committee (Sens. Wardner, Krebsbach, O'Connell and Reps. Kempenich, Skarphol, Williams) recommends that the **SENATE RECEDE** from the Senate amendments on HJ pages 1153-1154, adopt amendments as follows, and place HB 1011 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1153 and 1154 of the House Journal and pages 924 and 925 of the Senate Journal and that Engrossed House Bill No. 1011 be amended as follows:

Page 1, line 1, after "patrol" insert "and to authorize line item transfers"

Page 1, line 17, replace "4,011,065" with "4,163,565"

Page 1, line 19, replace "4,159,584" with "4,312,084"

Page 1, line 21, replace "7,677,910" with "7,830,410"

Page 2, line 4, replace "35,009,887" with "35,162,387"

Page 2, line 6, replace "38,979,192" with "39,131,692"

Page 2, line 8, replace "27,758,772" with "27,911,272"

Page 2, replace lines 22 through 28 with:

"SECTION 6. LINE ITEM TRANSFER - EXCEPTION - AUTHORIZATION.

Notwithstanding section 54-16-04, the highway patrol may transfer up to \$100,000 from the field operations line item in section 3 of this Act to the law enforcement training academy line item in section 3 of this Act for the biennium beginning July 1, 2007, and ending June 30, 2009. The highway patrol shall notify the office of management and budget of any transfers made pursuant to this section."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

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

	EXECUTIVE BUDGET	HOUSE VERSION	CONFERENCE COMMITTEE CHANGES	CONFERENCE COMMITTEE VERSION	SENATE VERSION	COMPARISON TO SENATE
Administration	\$2,568,016	\$2,568,016		\$2,568,016	\$2,568,016	
Field operations	35,376,823	35,009,887	\$152,500	35,162,387	35,726,823	(\$564,436)
Law Enforcement Training Academy	1,551,289	1,401,289		1,401,289	1,401,289	
Total all funds	\$39,496,128	\$38,979,192	\$152,500	\$39,131,692	\$39,696,128	(\$564,436)
Less estimated income	<u>15,665,015</u>	<u>11,220,420</u>		<u>11,220,420</u>	<u>11,220,420</u>	
General fund	\$23,831,113	\$27,758,772	\$152,500	\$27,911,272	\$28,475,708	(\$564,436)
FTE	197.00	193.00	0.00	193.00	197.00	(4.00)

Dept. 504 - Highway Patrol - Detail of Conference Committee Changes

INCREASES FUNDING FOR SALARY EQUITY ¹	TOTAL CONFERENCE COMMITTEE CHANGES
--	---

Administration		
Field operations	\$152,500	\$152,500
Law Enforcement Training Academy		
Total all funds	\$152,500	\$152,500
Less estimated income		
General fund	\$152,500	\$152,500
FTE	0.00	0.00

¹ Additional funding is provided for salary equity increases in addition to the \$200,000 added by the House and included in the Senate version.

A section is added allowing the Highway Patrol to transfer up to \$100,000 of the \$150,000 provided for purchasing automatic external defibrillators from the field operations line item to the Law Enforcement Training Academy line item to provide additional training for law enforcement officers and other emergency services providers. The Senate also added this section.

Funding of \$716,936 from the general fund added by the Senate for 4 FTE trooper positions is not included in the conference committee version.

The conference committee removed the section added by the House providing that the Human Resource Management Services Division of the Office of Management and Budget not consider the additional salary equity funding for the Highway Patrol in its calculation of the patrol's share of the statewide salary equity pool.

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

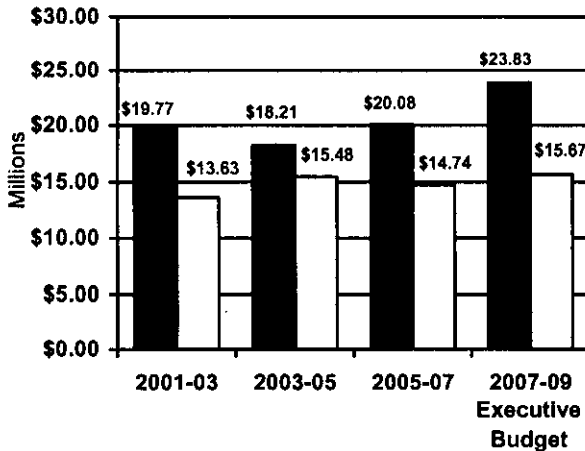
2007 TESTIMONY

HB 1011

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

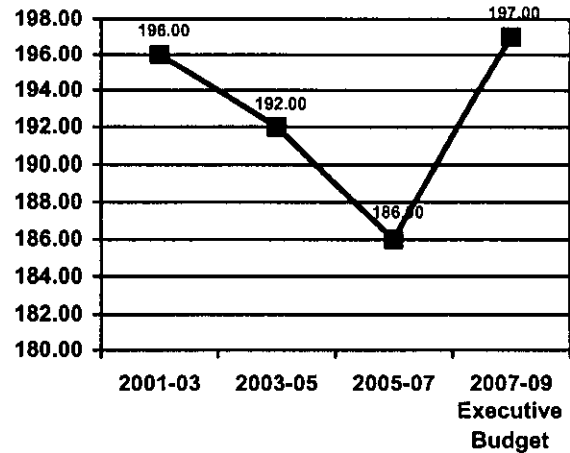
	FTE Positions	General Fund	Other Funds	Total
2007-09 Executive Budget	197.00	\$23,831,113	\$15,665,015	\$39,496,128
2005-07 Legislative Appropriations	186.00	20,080,862	14,738,746	34,819,608
Increase (Decrease)	11.00	\$3,750,251	\$926,269	\$4,676,520

Agency Funding



■ General Fund □ Other Funds

FTE Positions



Executive Budget Highlights

	General Fund	Other Funds	Total
1. Adds 2 FTE trooper positions without funding to allow additional recruits to be trained			
2. Adds 4 FTE positions - \$436,936 and related operating expenses - \$280,000 for northern border security and for additional coverage hours in the Fargo area	\$522,964	\$193,972	\$716,936
3. Adds 3 FTE Capitol security positions rather than contracting for these services	\$25,032	\$3,090	\$28,122
4. Replaces \$116,000 of federal funds with funding from the highway tax distribution fund for Capitol security services			\$0
5. Adds 2 additional FTE Capitol security positions - \$218,468 and related operating expenses - \$140,000	\$261,482	\$96,986	\$358,468
6. Provides funding for integrating security and building automation software (executive budget identified as one-time funding)	\$50,000		\$50,000
7. Increases funding for data processing to provide a total of \$610,000	\$73,000	\$27,000	\$100,000
8. Increases funding for motor pool costs	\$570,000	\$210,000	\$780,000
9. Provides funding for replacing in-car video equipment (executive budget identified as one-time funding)	\$642,000		\$642,000

Highway Tax Distribution Fund

Section 4 of the bill provides that \$8,644,595 of the Highway Patrol's 2007-09 biennium special fund appropriation is from the highway tax distribution fund, \$1,128,420 more than the amount provided for the 2005-07 biennium.

Continuing Appropriations

No continuing appropriations for this agency.

Major Related Legislation

House Bill No. 1064 - This bill creates a Highway Patrol assets forfeiture fund and provides the Highway Patrol a continuing appropriation to spend money in the fund for salaries, training, and equipment.

STATEMENT OF PURPOSE OF AMENDMENT:**House Bill No. 1011 - Funding Summary**

	Executive Budget	House Version	Senate Changes	Senate Version
Highway Patrol				
Administration	\$2,568,016	\$2,568,016		\$2,568,016
Field operations	35,376,823	35,009,887	716,936	35,726,823
Law enforcement training academy	1,551,289	1,401,289		1,401,289
Total all funds	<u>\$39,496,128</u>	<u>\$38,979,192</u>	<u>\$716,936</u>	<u>\$39,696,128</u>
Less estimated income	<u>15,665,015</u>	<u>11,220,420</u>	<u>0</u>	<u>11,220,420</u>
General fund	<u>\$23,831,113</u>	<u>\$27,758,772</u>	<u>\$716,936</u>	<u>\$28,475,708</u>
FTE	197.00	193.00	4.00	197.00
Bill Total				
Total all funds	\$39,496,128	\$38,979,192	\$716,936	\$39,696,128
Less estimated income	<u>15,665,015</u>	<u>11,220,420</u>	<u>0</u>	<u>11,220,420</u>
General fund	<u>\$23,831,113</u>	<u>\$27,758,772</u>	<u>\$716,936</u>	<u>\$28,475,708</u>
FTE	197.00	193.00	4.00	197.00

House Bill No. 1011 - Highway Patrol - House Action

	Executive Budget	House Changes	House Version
Administration	\$2,568,016		\$2,568,016
Field operations	35,376,823	(366,936)	35,009,887
Law enforcement training academy	1,551,289	(150,000)	1,401,289
Total all funds	<u>\$39,496,128</u>	<u>(\$516,936)</u>	<u>\$38,979,192</u>
Less estimated income	<u>15,665,015</u>	<u>(4,444,595)</u>	<u>11,220,420</u>
General fund	<u>\$23,831,113</u>	<u>\$3,927,659</u>	<u>\$27,758,772</u>
FTE	197.00	(4.00)	193.00

Department No. 504 - Highway Patrol - Detail of House Changes

	Removes New Troopers¹	Removes New Capitol Security Positions²	Adds New Troopers³	Adds Salary Equity Funding⁴	Reduces Training Funding⁵	Adds Equipment⁶
Administration						
Field operations	(716,936)	(358,468)	358,468	200,000		150,000
Law enforcement training academy					(150,000)	
Total all funds	<u>(\$716,936)</u>	<u>(\$358,468)</u>	<u>\$358,468</u>	<u>\$200,000</u>	<u>(\$150,000)</u>	<u>\$150,000</u>
Less estimated income	<u>(193,972)</u>	<u>(96,986)</u>	<u>96,986</u>	<u>0</u>	<u>0</u>	<u>0</u>
General fund	<u>(\$522,964)</u>	<u>(\$261,482)</u>	<u>\$261,482</u>	<u>\$200,000</u>	<u>(\$150,000)</u>	<u>\$150,000</u>
FTE	(4.00)	(2.00)	2.00	0.00	0.00	0.00

	Changes Funding Source ⁷	Total House Changes
Administration		
Field operations		(366,936)
Law enforcement training academy		(150,000)
Total all funds	\$0	(\$516,936)
Less estimated income	(4,250,623)	(4,444,595)
General fund	\$4,250,623	\$3,927,659
FTE	0.00	(4.00)

¹ This amendment removes the 4 new FTE trooper positions added in the executive budget for northern border security and for additional coverage in the Fargo area.

² Funding added in the executive budget for 2 new FTE Capitol security positions is removed.

³ This amendment adds 2 new FTE trooper positions, the responsibilities for each are as determined by the Highway Patrol superintendent.

⁴ This amendment adds \$200,000 from the general fund and allows the Highway Patrol to spend savings from within its 2007-09 biennium budget for providing salary equity adjustments for troopers and sergeants. This funding is in addition to the agency's share of the statewide salary equity pool. The agency may spend up to \$594,387 in total salary equity adjustments for the 2007-09 biennium. The Human Resource Management Services Division of the Office of Management and Budget is not to consider the additional salary equity funding provided in this Act in its calculation of the Highway Patrol's share of the statewide salary equity pool.

⁵ Funding for training law enforcement officers and other emergency services providers across the state is reduced from \$400,000 to \$250,000.

⁶ Funding is added for the purchase of automatic external defibrillators for patrol units.

⁷ General fund support for the Highway Patrol is increased and funding from the highway tax distribution fund is reduced from \$8,644,595 to \$4,200,000.

A section is added identifying the one-time funding included in the budget and providing for a report to the 2009 Legislative Assembly on the agency's use of the one-time funding.

House Bill No. 1011 - Highway Patrol - Senate Action

	Executive Budget	House Version	Senate Changes	Senate Version
Administration	\$2,568,016	\$2,568,016		\$2,568,016
Field operations	35,376,823	35,009,887	716,936	35,726,823
Law enforcement training academy	1,551,289	1,401,289		1,401,289
Total all funds	\$39,496,128	\$38,979,192	\$716,936	\$39,696,128
Less estimated income	15,665,015	11,220,420	0	11,220,420
General fund	\$23,831,113	\$27,758,772	\$716,936	\$28,475,708
FTE	197.00	193.00	4.00	197.00

Department No. 504 - Highway Patrol - Detail of Senate Changes

	Restores Funding for New Troopers ¹	Total Senate Changes
Administration		
Field operations	716,936	716,936
Law enforcement training academy		
Total all funds	\$716,936	\$716,936
Less estimated income	0	0
General fund	\$716,936	\$716,936
FTE	4.00	4.00

¹ This amendment:

- Restores the 4 FTE trooper positions added in the executive budget but removed by the House.
- Provides that 1 of the 2 new FTE trooper positions added by the House may be used for providing Capitol security services.

A section is added allowing the Highway Patrol to transfer up to \$100,000 of the \$150,000 provided for purchasing automatic external defibrillators from the field operations line item to the Law Enforcement Training Academy line item to provide additional training for law enforcement officers and other emergency services providers.

House Bill 1011 – NDHP Appropriations

Submitted by

Colonel Bryan Klipfel, Superintendent

January 8, 2007

Introduction

Good afternoon, Mr. Chairman and members of the House Appropriations Committee, Government Operations Division. My name is Colonel Bryan Klipfel, Superintendent of the North Dakota Highway Patrol. During my thirty years with the Highway Patrol, I have seen the members of the NDHP step up and do whatever it takes to make this state a safer place. I am extremely proud of the accomplishments of the men and women of the NDHP.

Agency Overview

The vision of the North Dakota Highway Patrol is "Public safety through quality service." Our mission is to make a difference every day by providing high quality law enforcement services to keep North Dakota safe and secure.

Operational Goals

1. Concentrate efforts towards patrolling highways and being visible

Providing a safe environment for the motoring public continues to be the core mission of the Highway Patrol. High visibility of our officers on the roadways and education and enforcement activities are paramount in this effort. During 2006, our troopers provided 6,726 highway assists to motorists who required some type of assistance along the roadway. This number illustrates the important role that high visibility plays in providing a vital service to the public.

The utilization of mobile data computer (MDC) systems has allowed for increased patrol visibility through roadside reporting and in-car messaging. We currently have 127 patrol vehicles equipped with mobile data computers.

Our philosophy in this area will not change. We will continue to do whatever it takes to provide the coverage and visibility necessary to keep our citizens safe as they travel our highways. Providing for the safe movement of our citizens on our highways is the primary function of our agency. Our ultimate goal is the reduction of traffic crashes within the state and to provide a complete and thorough investigation once an accident has occurred.

2. Reduce crashes and investigate when they occur

During 2006, the Highway Patrol investigated 3,998 traffic crashes. Statewide 101 fatal crashes occurred resulting in 111 fatality victims. Our agency was the lead investigating agency in 88 of these 101 crashes and assisted in most of the remaining fatal crashes.

Type of Crash	2006	2005	Difference	% of Change
Fatal Crashes*	88	85	3	4%
Injury Crashes*	634	666	-32	-5%
Property Damage Crashes*	1520	1532	-12	-1%

*Investigated by NDHP

The Highway Patrol continues to be the lead law enforcement agency in the state in the generation and submission of electronic crash reports. This provides efficiencies in submitting timely, accurate crash reports to the public. The department also continues to utilize leading crash investigation technology such as laser measurement and mapping technology.

In addition to the extensive training that all of our troopers receive, our agency has eight troopers certified in accident reconstruction. This state of the art equipment was acquired in 2006 and troopers received training in the use of photogrammetry in crash investigations.

Our troopers are the most highly trained officers in the state of North Dakota when it comes to crash investigation. Our expertise is relied on not only by outside agencies, but by citizens as well. We will continue to provide the necessary resources available to help prevent crashes from occurring and insuring that once a crash has occurred, our agency will complete a thorough and complete investigation.

3. Impact alcohol abuse relating to DUI and underage consumption and the tragedies that happen on our highways as a result

We have seen a significant increase in the number of DUI arrests made by our agency during the past two years from 1,627 in 2004 to 1,878 in 2006, an increase of 15 percent. A strong enforcement emphasis has been maintained through the use of our DUI enforcement team. This team, consisting of troopers who excel in DUI enforcement, is utilized statewide to assist in the detection and apprehension of impaired drivers.

While our enforcement of alcohol violations has remained focused, we also recognize the importance that educational efforts play in helping to reduce alcohol abuse within our state. Sobriety checkpoints continue to be a tool used by our agency to help bring awareness to the devastating effects that drinking and driving have on our citizens. Seventeen checkpoints were held during 2006 by the Highway Patrol with assistance from numerous local law enforcement agencies.

Alcohol enforcement and education will remain a priority of the North Dakota Highway Patrol. Through programs such as the DUI enforcement team, youth alcohol programs, sobriety checkpoints, and an overall agency focus on the vital role that our troopers play, we will continue to battle alcohol abuse within our state.

4. Reduce criminal activity occurring on our highways through the use of a strong criminal interdiction program

We have seen drug related arrests increase from 668 arrests in 2004 to 848 arrests in 2006, a 27 percent increase.

Currently, we have eight canine units strategically placed throughout the state. We continue to receive requests from local schools, private businesses, government facilities, and other law enforcement agencies for our canine units.

Two of our troopers are certified as Drug Recognition Experts (DRE's) whose skills and training are used to enhance our efforts to detect and apprehend drivers under the influence of controlled substances.

I-94 and I-29 continue to be known corridors for the transportation of illegal drugs through our state. In three separate Highway Patrol traffic stops, two of which were in the last two months, seven pounds of marijuana and six pounds of crystal methamphetamine with an estimated street value of \$410,000 were netted. Recognizing the devastating impact that illegal drugs have on our citizens, the Highway Patrol is committed to doing everything possible in the future to help curb this growing problem. We continue to provide updated training to help officers better recognize and apprehend those individuals who choose to possess, manufacture, or transport drugs within our state.

Recognizing the increase in drug trafficking, our agency assigned one fulltime officer to the Post Seizure Analysis Team (PSAT) located at Grand Forks. The PSAT is comprised of state and federal law

enforcement agencies as well as ND National Guard Counter Drug Program personnel. The mission of the PSAT is to gather, analyze, and disseminate criminal drug information from existing investigations and seizures.

The Highway Patrol continues to play an important role in Homeland Security. One officer from the Patrol was assigned full time in January 2005 to the North Dakota Homeland Security Fusion Center. The Fusion Center is a collaborative effort between North Dakota agencies comprised of the Highway Patrol, Bureau of Criminal Investigation, National Guard, and the Department of Emergency Services. The Fusion Center's mission is to collect, analyze, and disseminate critical intelligence information to local, state, and federal law enforcement personnel statewide.

The officer assigned to the Fusion Center is also a member on the Federal Bureau of Investigation's Joint Terrorism Task Force (JTTF) and the United States Attorney's Office Immigration Task Force. The JTTF is responsible for investigating domestic and international terrorism. The Immigration Task Force is responsible for investigation of workplace and employer immigration violations. A recent Highway Patrol traffic stop netted four illegal immigrants working for an out-of-state subcontractor at the Dickinson Walmart. Further investigation by the United States Border Patrol and Immigration Customs Enforcement resulted in the arrest and extradition of an Illinois man to Fargo. This investigation resulted in the conviction of the individual and the forfeiture of \$1.6 million in bank proceeds.

In 2006, the Highway Patrol partnered with United States Customs and Border Protection to help secure the northern border at the 17 ports of entry between the United States and Canada. Our canine teams conducted drug searches at the request of Customs and Border Protection on vehicles entering the United States during prime periods including Memorial Day, Fourth of July, Sturgis Bike Rally, and numerous others.

5. Protect highway infrastructure and provide for the safe movement of goods and services through an effective motor carrier program

The Motor Carrier Safety Assistance Program (MCSAP) has the primary function of reducing commercial vehicle crashes. Through the inspection of commercial vehicles and drivers on the roadside, and by conducting safety audits and compliance reviews at the companies themselves, we have seen a continual improvement in the equipment and drivers that are being inspected. We have eight teams (eight sworn and eight non-sworn) located throughout the state conducting inspections and compliance reviews. During this past federal fiscal year, 19,542 inspections were conducted with 1,658 vehicles and 826 drivers being placed out of service.

We also have three motor carrier inspectors completing safety audits. (Safety audits are conducted on new carriers to ensure they are in compliance with all motor carrier regulations.)

In 2003 the Highway Patrol, with cooperation of the Department of Transportation, made a decision to move away from the concept of fixed location weight enforcement and move toward a more mobile effort. Currently, there are 12 weigh-in-motion sites around the state and 36 of our troopers' mobile data computers are programmed to monitor the sites.

The motor carrier operations section continues to work with the motor carrier and oilfield industry to insure that oversize movements are conducted in a safe and efficient manner. In 2002, over 105,000 permit types were issued. Over 111,000 permit types were issued in 2004 and over 130,000 in 2006. The increase of 17 percent and 23 percent respectively in permit issuance is partly due to wind tower movements, increased oil production, ethanol plant construction, and increased bridge and highway construction. Truck traffic is expected to double within the next ten years. We expect permit issuance will as well.

In December 2002, the Highway Patrol launched electronic permitting. This allows motor carriers to purchase 21 different permits over the internet. In 2006, over 26,000 permit types were purchased over the internet. This is up 225 percent from 2004. Due to the complexity of the oversize permit, it is currently not available online. Carriers continue to purchase these permits from our permit section and

field personnel. Carriers also have the option of purchasing identification supplements and self-issue permits for oversize vehicle and load movements.

On September 20, 2004, the NDHP received a Border Inspection Grant which was effective September 20, 2004, through September 30, 2006. The amount of the grant was \$737,116 and was to fund the purchase of two special purpose mobile inspection vehicles and the hiring and training of four new motor carrier inspectors. This is a 100 percent federally funded program; a grant for 2007 has been approved.

6. Provide quality service to the public

The NDHP and all of its employees take pride in providing quality service and being responsive to the needs of citizens.

Community policing plays an extremely important role in determining the needs of citizens. Troopers are available to listen to citizen concerns, suggestions, and ideas. This is accomplished through and demonstrated by the 7,121 hours Highway Patrol employees dedicated to community policing activities in 2006 such as giving safety talks, conferring with citizens, developing public service announcements with the broadcast industry, and other community related activities.

Due to the limited number of law enforcement officers in this state, we must all work together to accomplish the common goal. NDHP troopers have assisted other law enforcement agencies 1,078 times this past year.

An AMBER Alert was activated on May 22, 2006, following the disappearance of Raechelle Smith. Highway Patrol troopers assisted in the subsequent search efforts for her in the Minot. area. The Patrol is tasked with the responsibility for coordination of the state AMBER Alert Plan.

Our agency continues to maintain its tactical response unit (TRU). This unit is a specialized assignment of 25 troopers available to respond to critical incidents and other events requiring the need for additional personnel with special emphasis on crowd control and disbursement techniques.

The Highway Patrol is responsible for the operation, maintenance, and administration of the Law Enforcement Training Academy. The primary function of the Law Enforcement Training Academy is the coordination of basic and advanced training courses for all law enforcement in North Dakota. In 2006, the Training Academy conducted two basic training academies and concluded one Highway Patrol academy that provided 61 new law enforcement officers with the training necessary to meet the requirements established by the Peace Officer Standards and Training Board. These 61 officers included 20 county officers, 23 local officers, and 18 state officers.

In 2006, new procedures were established for the Training Academy to contract training with providers of the training programs. These procedures reduced the number of training contracts originated by the Training Academy but still provided a good number of training sessions to be conducted. In addition, \$400,000 was provided to law enforcement by the 2005 Legislature for advanced training of officers to be conducted around the state of North Dakota. As of the end of 2006, approximately \$300,000 of this funding has been spent or contracts signed for future training. The Training Academy assisted in providing meals, lodging, and classroom space for four of the courses funded through the 2005 Legislature. Approximately 15 additional courses were presented at various locations around the state.

7. Hold individuals, not groups or districts, accountable for their actions, good or bad

The NDHP has a stringent hiring standard, selection process, and training program for our new troopers. This is an absolute necessity in ensuring a professional law enforcement agency.

I'm proud of the professionalism demonstrated by our troopers and all employees of the North Dakota Highway Patrol. As an example, during 2006, citizens filed 21 complaints against employees. After an investigation, only four of those complaints were determined to be founded. This is even more astounding when you consider that our employees had over 100,000 contacts with the public last year.

The Highway Patrol is a nationally accredited law enforcement agency that meets or exceeds the high standards that The Commission on Accreditation for Law Enforcement Agencies (CALEA) has set for law enforcement. We feel that it is vital that an independent agency such as CALEA periodically reviews our department to ensure that the expectations of the citizens of North Dakota are met with the highest quality of service we can provide and that they deserve.

Currently, 15 state police/highway patrol agencies are accredited. Additionally, there are 19 state agencies such as state departments of public safety, bureau of criminal investigation agencies, and game and fish agencies that are accredited. Nationally, university police departments are seeing the benefits of accreditation and are seeking the status of accreditation. Currently, there are 62 higher education institutions (police departments) that are involved in the accreditation process.

The Highway Patrol was reaccredited in July 2006, our sixth reaccreditation since 1989 when we were first accredited. At the conference in July, the NDHP received the Meritorious Service Award and the distinction of a Flagship Agency for our participation and dedication to the process.

STRATEGIC PLAN

Public Safety on Highways

North Dakotans face several dangers when traveling. Impaired, fatigued, or simply preoccupied drivers can cause a fatal collision. In North Dakota, consistently nearly half of all fatal crashes involve a drinking driver. Severe winter weather poses another significant threat.

While statewide survey results show the number of individuals using seatbelts to be at an all-time high (79 percent), approximately 62 percent of those killed in 2004 and 69 percent of those killed in 2005 were not restrained.

In order to enhance public safety on the highways, the NDHP is striving to achieve the following objectives:

- Reduce the crash rate per 100 million vehicle miles traveled to 190 by 2009.
- Reduce the fatal crash rate per 100 million vehicle miles traveled to 1.0 by 2009.
- Reduce the percentage of alcohol-related fatal crashes to 40 percent by 2009.
- Increase the statewide seat belt usage rate to 80 percent by 2009.
- Implement a MCSAP division to improve coordination for the safe and efficient movement of commercial motor vehicle traffic by 2008.

Provide a Secure Environment for all Citizens

The events of September 11th changed the way our nation views security. Public places, such as the State Capitol, need to be watched closely. North Dakota borders Canada, heightening the need for security as this leaves a door open for terrorists and criminal activities.

While the population of the state as a whole is admittedly small, the population in three areas of the state is well populated. Fargo, Grand Forks, and Bismarck have concentrated populations that are steadily growing. Fargo moved to a 2 a.m. closing time for bars in 2005. Grand Forks did the same in 2006. It is expected that Bismarck will eventually follow suit. This increases the need for 24-hour patrol to adequately service the population of these three areas.

The NDHP committed to providing a secure environment for all citizens by:

- Implementing 24 hour coverage in the three largest urban areas by 2008, contingent on funding for additional FTEs.
- Increasing personnel for homeland security needs by 2010.

- Prioritizing facility needs to provide for better public access by 2008.
- Studying training facility needs by 2008.

Twenty-four Hour Coverage

Four additional troopers are needed within the Fargo post to expand the hours of service provided to the public. Several factors/statistics have been reviewed. Information was gathered from Cass County Sheriff's Department, Cass County Central Dispatch, NDDOT, ND Driver's License, US Census Bureau, NDHP IT section, and the Minnesota State Patrol.

In 1997, the Fargo post had 1 commander, 2 sergeants, and 11 troopers. That is the same number of officers we are presently allocated nearly ten years later. With that same number, we are trying to provide coverage until 0300 hours (2 a.m. bar closing). The growth, conservatively speaking, is steady. Vehicle counts are up, accidents are up, DUI arrests are up, and calls for service are up. Demands on the district from the administrative level to the road officer have all increased. Many of these increased demands cannot be measured by a statistic. Drivers expect and deserve the rapid response and service provided by the Highway Patrol regardless of the time of day.

Training Academy

Future needs of the Training Academy include updated classroom instruction and computer capabilities in order to stay current with the training needs of law enforcement. The Training Academy is also in need of updating and repairing heating, air conditioning, and windows. There is also an immediate need for both indoor and outdoor firearms facilities as well as an emergency vehicle operations area and physical fitness equipment to properly prepare officers for duty fitness and testing.

Capitol Security

Recent security incidents and implied threats to capitol employees solidify the need for sworn personnel at the Capitol. Civilian personnel are unequipped or lack the authority to enforce, arrest, or detain individuals who pose a possible threat. Examples of past incidents include:

- Domestic encounters.
- Irrate customers.
- Theft of state property.
- Accidents.
- Vehicle accidents.
- Harassment in the workplace.
- Department security lockdowns.

Our security office has been contacted for assistance in other safety-related issues and in providing certain security needs like:

- Safety talks.
- Safety presentations.
- Self-defense seminars.
- Traffic control.
- Supreme Court security.
- Legislative Session security.

Future security needs should be handled by officers who are sworn and have the jurisdiction to enforce and control any situation they may encounter; relying on and exhausting the Bismarck district's manpower is not a feasible option.

The consolidation of security resources and subsequent control of all security by the Highway Patrol has led to additional job responsibility growth. The new responsibilities currently being accomplished by the Director of Security which would be delegated to an administrative assistant include:

- Issue keys/cards.
- Controlling access levels.
- Card access reports.
- Updating card access levels.
- Verifying key/card reads hourly.
- Acknowledging alarms.
- Responding to duress alarms by dispatching security officers to alarm location.
- Assist security with testing alarms – quarterly and semiannually.
- Coordinate Governor's security protection/transportation detail.
- Entering officer field contacts and case summary.
- Entering security officers' daily activity reports.
- Weekly and monthly schedule reports.

The possibility of acquiring an administrative assistant and sworn personnel would allow some duties to be delegated for the continuing improvement of all current and future security needs. These requests would assist in providing the best possible service to all individuals who work, live, or visit any building within the Capitol grounds.

Maintenance and improvement costs associated with the Capitol duress alarm system, video surveillance system, and door key/card access system are estimated at \$50,000.

Enhance Employee Welfare

The NDHP values its employees and wants to ensure that they are treated fairly. Therefore, we periodically review duties, responsibilities, and compensation packages.

Many of the NDHP's troopers are relatively young in their career. As a result, when our experienced sworn personnel in leadership positions retire, the younger set will have to step up to the challenge. It is important that we give them the necessary tools to be successful in their careers and for the well-being of the agency.

Currently, some districts in the state only have one sergeant. This means that when the sergeant is off duty, the commander takes full responsibility for supervision, in addition to other duties. In some instances, both sergeant and commander may be off duty.

To address these issues, the NDHP will:

- Develop an agency-wide wellness program by 2007.
- Prepare a comprehensive review of duties, responsibilities, and compensation packages for all employees by 2007.
- Reorganize districts in order to have a supervisor on duty every day by 2010.
- Establish a mentoring program for leadership positions by 2008.

Enhance Relationships

NDHP has many stakeholders. Taxpayers, the governor, legislators, and the motor carrier industry are only a few of the groups external to the organization that have some influence on or vested interest in the Patrol and its services. Unfortunately, many individuals are unaware of everything that the NDHP does, and what it is all about. As a result, the NDHP will do the following:

- Improve information exchange with stakeholders by conducting statewide community meetings every two years.

- Increase public awareness of duties and responsibilities of the department by conducting three presentations per district every year by 2008.
- Develop a citizen police academy by 2008.
- Develop and implement a customer satisfaction survey by 2008.

During the 2005-07 biennium, the Highway Patrol is working toward providing 302,000 hours of road patrol, 15,000 highway assists, and 8,000 crash investigations. The desired outcomes are a reduction of fatalities per 100 million miles traveled of 20 percent per fiscal year and a reduction of crashes per 100 million miles traveled of 5 percent per fiscal year. Other desired outcomes are to reduce the percentage of alcohol-related fatal crashes from 44 percent to 40 percent and to increase the rate of seat belt usage from 76 percent to 80 percent. Also, 640 classroom days of instruction will be provided at the Law Enforcement Training Academy. Administrative expenses will be held to 9 percent or less of department state funds expenses.

Digital In-Car Video Systems

In the late 1990s, lawsuits alleging race-based traffic stops were being filed against state police and highway patrol agencies throughout the United States. In some instances, the courts ruled that racial profiling was occurring. These court findings strengthened the public perception that racial profiling by law enforcement did occur and weakened the public's confidence in law enforcement.

Beginning in 1999, the Highway Patrol equipped all of our vehicles with in-car video to assist officers in report writing and also to protect officers against allegations of wrong doing.

Initial complaints against officers are handled by the first line supervisor. Our data indicates that 81 percent of the time our officers are cleared of wrong doing. In at least half of the instances once the complainant is made aware that the stop or contact was recorded, the complaint is withdrawn saving the supervisor a significant amount of time conducting investigations when a videotape of the incident is available. This mirrors or exceeds the 2002 survey conducted by The International Association of Chiefs of Police which came to the conclusion after surveying more than 3,000 officers that 96.2 percent of the time, the recording of the event exonerated the officer of the allegation or complaint. Complaints were sustained by video evidence only 3.8 percent of the time.

I realize considerable information was presented to this Committee. However, I felt it was important to let you know what the NDHP does to improve quality of life for the citizens of North Dakota.

Thank you, Mr. Chairman. I would be happy to answer any questions you have at this time.



Legislative Budget Hearing

House Appropriations -- Government Operations Division

2007-2009 Executive Budget
January 2007

1

Total FTEs



Classification	Authorized Positions	Present Positions	Vacant Positions
Sworn	138	138	0
Capitol Security	4	4	0
MCSAP Non-sworn	13	13	0
Support	31	31	0
Totals	186	186	0

2

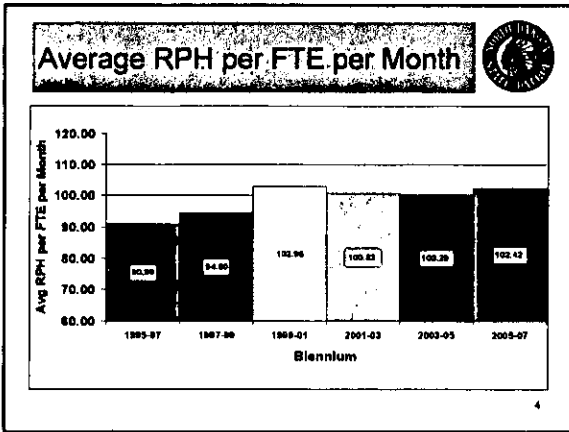
Operational Goals



- Concentrate efforts towards patrolling highways and being visible
 - Prevention
 - Rapid Response
 - Team Tactics



3



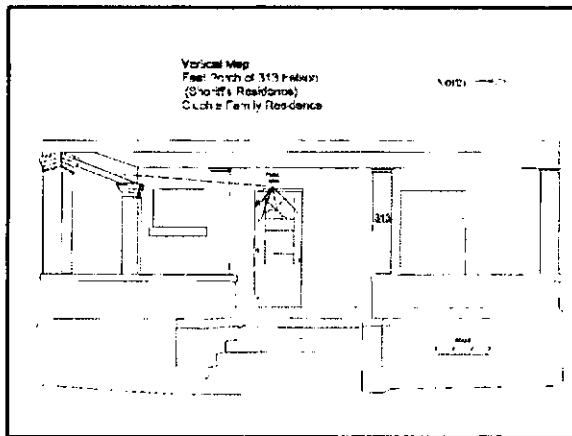
Operational Goals

- Reduce crashes and investigate when they do occur
 - Education
 - Enforcement
 - Professional and Caring Investigation

5

Operational Goals

6



Operational Goals

- Impact alcohol abuse relating to DUI and underage consumption and the tragedies that happen on our highways as a result
 - Commitment
 - Saturations
 - Extra Effort



6

Operational Goals

- Impacting criminal activity occurring on our highways through the use of a strong criminal interdiction program
 - Teamwork
 - Training
 - Resources



8

Operational Goals



- Protect highway infrastructure and provide for the safe movement of goods and services through an effective motor carrier program



10

Operational Goals



11

Operational Goals



- Provide quality service to the public
 - Done Right the First Time
 - Professional
 - Responsive to the Needs of Citizens



12

Operational Goals



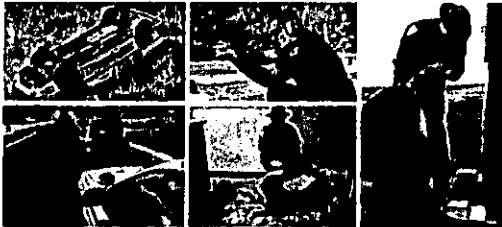
- Hold individuals, not groups or districts, accountable for their actions, good or bad
 - Accepting Responsibility
 - Dependability
 - Pride/Confidence



1/8/2007

13

Strategic Plan



1/8/2007

14

Public Safety on Highways



- Reduce crash rate per 100 million vehicle miles traveled to 190 by 2009.
- Reduce fatalities per 100 million vehicle miles traveled to 1.0 by 2009.
- Reduce percentage of alcohol related fatality crashes to at least 40% by 2009.

1/8/2007

15

Public Safety on Highways



- Increase statewide seat belt usage rate to 80% by 2009.
- Implement a MCSAP division to improve coordination for the safe and efficient movement of commercial motor vehicle traffic by 2008.

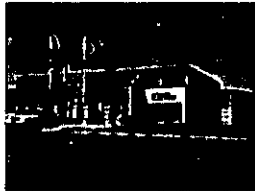
1/8/2007

16

Provide a Secure Environment for all Citizens



- Implement twenty-four hour coverage in the three largest urban areas by 2008, contingent on funding for additional FTEs.
- Increase personnel for homeland security needs by 2010.
- Prioritize facility needs for better public access by 2008.
- Study training facility needs by 2008.



1/8/2007

17

Enhance Employee Welfare



- Develop an agency-wide wellness program by 2007.
- Prepare a comprehensive review of duties, responsibilities, and compensation packages for all employees by 2007.
- Reorganize districts in order to have a supervisor on-duty every day by 2010.
- Establish a mentoring program for leadership positions by 2008.

1/8/2007

18

Enhance Relationships



- Improve information exchange with stakeholders by conducting community meetings once every two years.
- Increase public awareness of duties and responsibilities of the department by conducting three meetings per district every year by 2008.
- Develop a citizen police academy by 2008.
- Develop and implement a customer satisfaction survey by 2008.

1/8/2007

19

2005-07 Biennium Budget



2005-07 Biennium Appropriation Funds

General	20,080,862
Federal	7,222,571
Special	7,516,175
Total	34,819,608

Estimated unexpended state funds at 6/30/07: \$100,000

1/8/2007

20

Executive Budget Request



	2007-09	2005-07	Change
General	23,831,113	20,080,862	3,750,251
Special	8,644,595	7,516,175	1,128,420
Federal	7,020,420	7,222,571	(202,151)
Totals	39,496,128	34,819,608	4,676,520

1/8/2007

21

Major Variances



- Increase in State Fleet costs of \$780,000 resulting from rate increase from .53 to .64 cents/mile.
- Four new troopers for Fargo area 24 hour coverage -- \$706,000
- Two new troopers for Capitol Security -- \$354,000

1/8/2007

22

07-09 One-Time Spending Needs



- Integration of Capitol Building security and mechanical automation systems -- \$50,000
- In-car video replacements -- \$642,000



1/8/2007

23



1/8/2007

24



North Dakota Highway Patrol



Michael Bryan Klipfel, Superintendent
State Capitol, 600 E Boulevard Ave. Dept. 504
Bismarck, ND 58505-0240
Telephone: 701-328-2455

January 25, 2007

John Hoeven
Governor
State of North Dakota

Representative Alan Carlson, Chairman
House Appropriations Committee
Government Operations Division
State Capitol
Bismarck, ND 58505

Dear Representative Carlson:

SUBJECT: RESPONSE TO REQUEST FROM HOUSE APPROPRIATIONS
GOVERNMENT OPERATIONS SUBCOMMITTEE

Enclosed is the information the Government Operations Subcommittee requested at their subcommittee meeting on Wednesday, January 24, 2007.

- Regular and special program overtime for current biennium (See Attachment 1).
- Automatic External Defibrillators – cost estimate for 144 units is \$288,000 (still awaiting response from MN Patrol on their recent procurement).
- The \$116,000 on the Legislative Council highlight #4 appears to be a misunderstanding. Budget recommendation changes funds from contract services to salaries with no change in the percentage of general and special funds (approximately 27% special, 73% general).
- Information technology cost breakdown of the \$100,000 increase is as follows:
 - \$34,000 ITD rate increases
 - \$66,000 Evidence tracking database project (See Attachment 2)
- Federally funded FTEs

The Highway Patrol was authorized 196 FTEs during the 2001-2003 biennium. Only six of those were at least 80% federally funded. The request for 2007-2009 includes a total FTE authorization of 197, but two of those are unfunded for training purposes only. Positions that are at least 80% federally funded have increased from 6 to 24.

- Protecting Highway Infrastructure (See Attachment 3).

1011.1.8.07 C

- Federal Grants (See Attachment 4).
- NDHP Compensation Proposal (See Attachment 5).

If you have any further questions or need any additional information, please contact me.

Sincerely,


BRYAN KLIPFEL
Colonel, NDHP
Superintendent

bk/gs
Attachments

Cost Center 3000 OT Salaries	2005-07 Biennium OT Hours Budgeted	2005-07 Biennium OT Appropriation
Federal		
Underage Drinking	5,087	154,000
Drug Enforcement	1,180	36,000
Sobriety Checkpoints	654	20,000
Seatbelt	2,634	80,000
Construction Zone	3,915	120,000
Alcohol Saturation	2,634	80,000
New Entrant	741	20,000
MCSAP	6,980	200,000
State		
Border Shield	254	8,000
Other Programs	2,206	66,000
Regular/Callout	12,000	360,000
Total Overtime	38,285	\$1,144,000

Attachment 2 -- IT Project Description

Version 2007R0300504

Number 0001

Description Automated Evidence Tracking

Agency Project Identifier 1 *this ID should be consistent with PeopleSoft and the EPM project repository

Agency Priority 1

Project Type: ☒ New initiative
☐ Major enhancement/upgrade
☐ Application replacement
☐ Ongoing initiative

Age of current application: (Years)

1. Project description

The project is for the purchase of an Evidence Tracking System for each of our 8 district offices. Each year, the Highway Patrol takes in over 3,000 items that need to be stored as evidence until disposition of the case. Items in storage range from liquor, weapons, and drugs. Because of the volume of items, finding them months later for court has proved to be time intensive. Due to the sensitive nature of evidence and its handling procedures the system may need to be stand alone.

2. Briefly describe the business need or problem driving the proposed project.

Over the last 3 year period, we have seen a steady increase in criminal cases involving evidence. Our 8 evidence vaults are overwhelmed with items, and it have become a time intensive process tagging, tracking, and destroying evidence.

3. Describe how the project is consistent with the organizations mission.

The mission of the Highway Patrol to make a difference every day by providing high quality law enforcement services to keep North Dakota safe and secure. This project will assist in that by decreasing the time spent cataloging, sorting, and tracking of evidence. The increase in evidence is a direct link to the job our troopers are doing.

4. Describe the anticipated benefits of the project and who will derive the benefits.

The benefits to this project are as follows: Process evidence entering the Department in a timely and cost-effective manner, increased organization in evidence vaults, and a detailed chain of custody log of each item. The major benefit is less office time, which results in more time on the roadways which is a benefit for the citizens of North Dakota.

5. Describe the impact of not implementing the project.

Not implementing an evidence tracking system will result in less road patrol time and more administrative time handling evidence. Currently a manual type written log is maintained at each evidence storage location.

6. Identify any risks associated with implementing this project and explain how the risks will be mitigated.

Software system will not run on existing hardware. Solution: We would need to purchase either a dedicated laptop or desktop for evidence. -Additional ports and/or wiring maybe needed. Solution: We will work with ITD to obtain the necessary ports.

Attachment 2 - IT Project Description

Page 2

7. Enter any additional costs for the project that are not included in IT Object Codes used in the Project Cost Screen?

Additional Costs? Total Project Cost? Optional Project Costs Tot Proj Costs + Optionals

Describe the additional costs?

N/A

8. What additional expenditures are being paid out of non-appropriated funds?

Please explain:

N/A

9. Would you like this project to be ranked by the State IT Advisory Committee?

(the following will be entered by OMB after completion of the prioritization process)

Resulting Rank Overall Score 10. Have you requested an Enterprise Architecture design review for this project?

PROTECTING HIGHWAY INFRASTRUCTURE**Truck Enforcement Hours July 1, 2005 through December 31, 2006**

Traffic/Motor Carrier Troopers	16,030.75
MCSAP (sworn and non-sworn)	42,756.50
TOTAL HOURS	58,787.25

Trucks Weighed July 1, 2005 through December 31, 2006

<u>Fixed Locations</u>	<u>Qty</u>	<u>Hours</u>
Traffic/Motor Carrier Troopers	9,284	2,546.5
MCSAP (sworn and non-sworn)	20,768	5,229.25
Subtotal	30,052	7,775.75
<u>Portable Scales</u>	<u>Qty</u>	<u>Hours</u>
Traffic/Motor Carrier Troopers	1,604	2,550.5
MCSAP (sworn and non-sworn)	355	810.75
Subtotal	1,959	3,361.25
TOTAL	32,011	11,137.00

Extraordinary Use of Highways (Overloads) July 1, 2005 through December 31, 2006

<u>Fixed Locations</u>	<u>Qty</u>	<u>Fees Collected</u>
Traffic/Motor Carrier Troopers	405	\$189,240.00
MCSAP (sworn and non-sworn)	251	\$58,940.00
Subtotal	656	\$248,180.00
<u>Portable Scales</u>	<u>Qty</u>	<u>Fees Collected</u>
Traffic/Motor Carrier Troopers	610	\$365,428.00
MCSAP	45	\$30,155.00
Subtotal	655	\$395,583.00
TOTAL	1,311	\$643,763.00

The NDHP maintains fixed scale locations at Mooreton, Fargo, Joliette, Williston, Beach, Bowman, Ellendale, Devils Lake, and Grand Forks. In addition, there currently are 12 weigh-in-motion (WIM) sites located throughout the state with 36 patrol vehicles equipped with WIM software to monitor these sites.

Our agency currently has 208 Haenni portable scales that are issued to the 2 Northern Border Inspection Program (BIP) vehicles, 10 MCSAP troopers, 11 motor carrier troopers, and to various district locations in close proximity to the WIM locations for traffic trooper use.

SPECIAL FUND SUMMARY

The NDHP currently employs four full time permit technicians who are located in Bismarck. In addition, all troopers have the ability to issue permits. We utilize the E-permits system as well.

From July 1, 2005 through December 31, 2006, the NDHP issued 229,323 permits. Through the issuance of permits and the collection of overloads, we have collected a total of \$5,518,837.09. At the end of this biennium it is estimated that we will have collected approximately \$7,358,450.

The NDHP assists DOT in the inspection of rebuilt vehicles. From July 1, 2005 through December 31, 2006, our agency dedicated 1,197 hours assisting in the completion of 4,842 vehicle inspections.

In addition, we assisted citizens in the completion of 373 motor vehicle registration applications that resulted in approximately 187 hours of dedicated time.

Our agency continues to assist DOT in the collection of NSF complaints with 39 forwarded to our agency during calendar year 2006, resulting in approximately 78 hours.

Federal Appropriations included in the 2007-09 Biennium Executive Recommendation

Motor Carrier Safety Assistance Program	\$2,507,000
Underage Drinking Programs	754,000
Construction Zone OT	161,000
Alcohol Saturation OT	101,000
Sobriety Checkpoints OT	22,000
Seat Belt OT	101,000
Drug Enforcement OT	38,000
Fusion Center Program	184,000
Border Inspection Program	799,000
New Entrant Program	407,000
Homeland Security Programs	94,000
Grants-to NDSU	1,772,000
Prevention Services Programs	80,000
Total Federal Appropriations	\$7,020,000

NDHP COMPENSATION PROPOSAL

NDHP Trooper

Year	1	2	3	4	5	6	7	8	9	10	13	16
Proposed Pay	3104	3182	3261	3343	3426	3512	3600	3690	3782	3877	3973	4073
Current Pay	2961	3036	3112	3189	3269	3351	3434	3520	3608	3698	3791	3885
Difference	143	146	149	154	157	161	166	170	174	179	182	188

NDHP Sergeant

Year	1	2	3	4	5	8
Proposed Pay	4075	4156	4239	4324	4411	4521
Current Pay	3927	4006	4086	4168	4252	4358
Difference	148	150	153	156	159	163

Trooper pay is increased by approximately 4.8%

Sergeant's pay is increased by approximately 3.75%

Current Monthly Salary Ranges by Pay Grade

Ranges established by Human Resource Management Services

Trooper – Pay Grade 12	Salary Range \$2837 – \$4728	Midpoint – \$3782
Sergeant – Pay Grade 13	Salary Range \$3144 – \$5240	Midpoint – \$4192

Cost estimates to implement the proposed equity adjustments:

Trooper:	\$428,859
Sergeant:	\$ 52,426
Benefits:	\$113,102
Total:	\$594,387

This proposal is prepared with the assumption that legislative approved pay raises would be in addition to the adjustments provided by this proposal.

CURRENT PAY COMPARISONS – Ranked by Top Pay Step
TROOPER/POLICE OFFICER

AGENCY	STARTING	TOP PAY STEP
NORTH DAKOTA HIGHWAY PATROL	Monthly \$2,961 – Annual \$35,532	Monthly \$3,885 – Annual \$46,620
MINOT POLICE DEPARTMENT	Monthly \$2,508 – Annual \$30,096	Monthly \$4,040 – Annual \$48,480
GRAND FORKS POLICE DEPARTMENT	Monthly \$2,921 – Annual \$35,057	Monthly \$4,382 – Annual \$52,586
FARGO POLICE DEPARTMENT	Monthly \$3,370 – Annual \$40,444	Monthly \$4,588 – Annual \$55,058
BISMARCK POLICE DEPARTMENT	Monthly \$3,143 – Annual \$37,713	Monthly \$4,714 – Annual \$56,569
WEST FARGO POLICE DEPARTMENT	Monthly \$3,005 – Annual \$36,060	Monthly \$5,344 – Annual \$64,128

PAY COMPARISONS AFTER EQUITY ADJUSTMENT

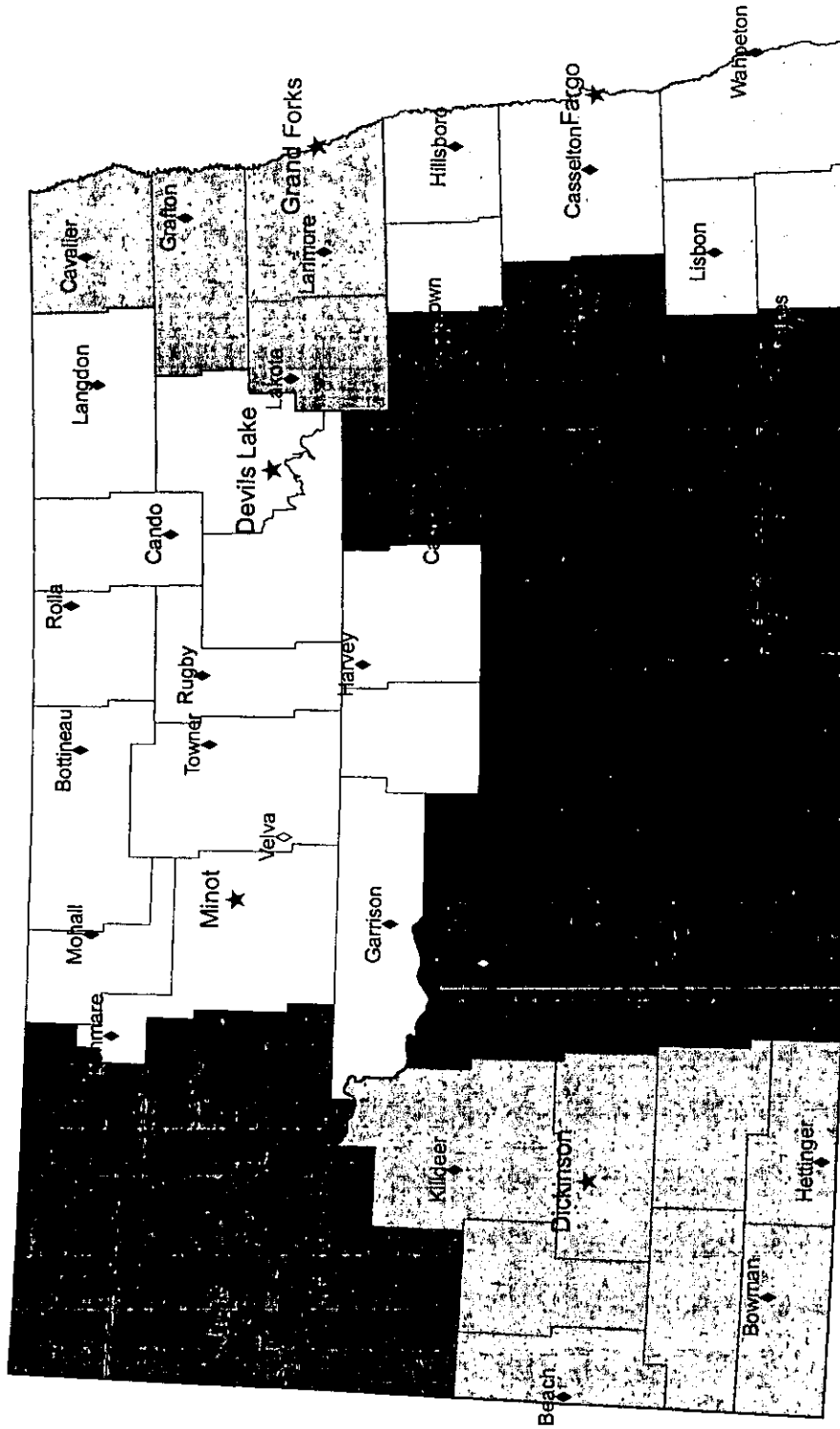
AGENCY	STARTING	TOP PAY STEP
MINOT POLICE DEPARTMENT	Monthly \$2,508 – Annual \$30,096	Monthly \$4,040 – Annual \$48,480
NORTH DAKOTA HIGHWAY PATROL	Monthly \$3,104 – Annual \$37,248	Monthly \$4,073 – Annual \$48,876
GRAND FORKS POLICE DEPARTMENT	Monthly \$2,921 – Annual \$35,057	Monthly \$4,382 – Annual \$52,586
FARGO POLICE DEPARTMENT	Monthly \$3,370 – Annual \$40,444	Monthly \$4,588 – Annual \$55,058
BISMARCK POLICE DEPARTMENT	Monthly \$3,143 – Annual \$37,713	Monthly \$4,714 – Annual \$56,569
WEST FARGO POLICE DEPARTMENT	Monthly \$3,005 – Annual \$36,060	Monthly \$5,344 – Annual \$64,128

PAY COMPARISONS AFTER EQUITY PLUS 4% STATE COMPENSATION RAISE

AGENCY	STARTING	TOP PAY STEP
MINOT POLICE DEPARTMENT	Monthly \$2,508 – Annual \$30,096	Monthly \$4,040 – Annual \$48,480
NORTH DAKOTA HIGHWAY PATROL	Monthly \$3,228 – Annual \$38,738	Monthly \$4,236 – Annual \$50,831
GRAND FORKS POLICE DEPARTMENT	Monthly \$2,921 – Annual \$35,057	Monthly \$4,382 – Annual \$52,586
FARGO POLICE DEPARTMENT	Monthly \$3,370 – Annual \$40,444	Monthly \$4,588 – Annual \$55,058
BISMARCK POLICE DEPARTMENT	Monthly \$3,143 – Annual \$37,713	Monthly \$4,714 – Annual \$56,569
WEST FARGO POLICE DEPARTMENT	Monthly \$3,005 – Annual \$36,060	Monthly \$5,344 – Annual \$64,128

An NDHP Sergeant's top pay after equity is \$4,521 per month. Police Officers in Fargo, Bismarck, and West Fargo will still exceed an NDHP Sergeant.

NDHP District Boundaries and Post Locations



Legend

★ District Office

◆ Trooper Outpost

◇ Vacant Trooper Outpost

With the exception of these pages, same testimony given to House and Senate



Legislative Budget Hearing Senate Appropriations

2/19/2007

1

Total FTEs



Classification	Authorized Positions	Present Positions	Vacant Positions
Sworn	138	136	2
Capitol Security	4	4	0
MCSAP Non-sworn	13	13	0
Support	31	31	0
Totals	186	184	2

2

Operational Goals



Concentrate efforts towards patrolling highways and being visible

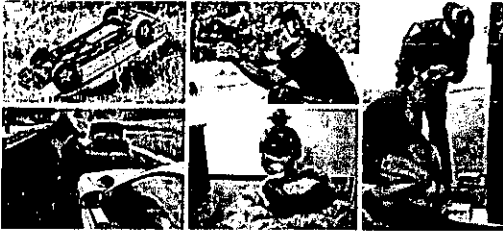
- Prevention
- Rapid Response
- Team Tactics



2/19/2007

3

Strategic Plan



2/16/2007

13

Public Safety on Highways



· Reduce crash rate per 100 million vehicle miles traveled to 190 by 2009.

– 212 in 2005

Reduce fatalities per 100 million vehicle miles traveled to 1.0 by 2009.

– 1.65 in 2005

Reduce percentage of alcohol related fatality crashes to at least 40% by 2009.

– 44% in 2006

2/16/2007

14

Public Safety on Highways



Increase statewide seat belt usage rate to 80% by 2009.

– 79% in 2006

Implement a MCSAP division to improve coordination for the safe and efficient movement of commercial motor vehicle traffic by 2008.

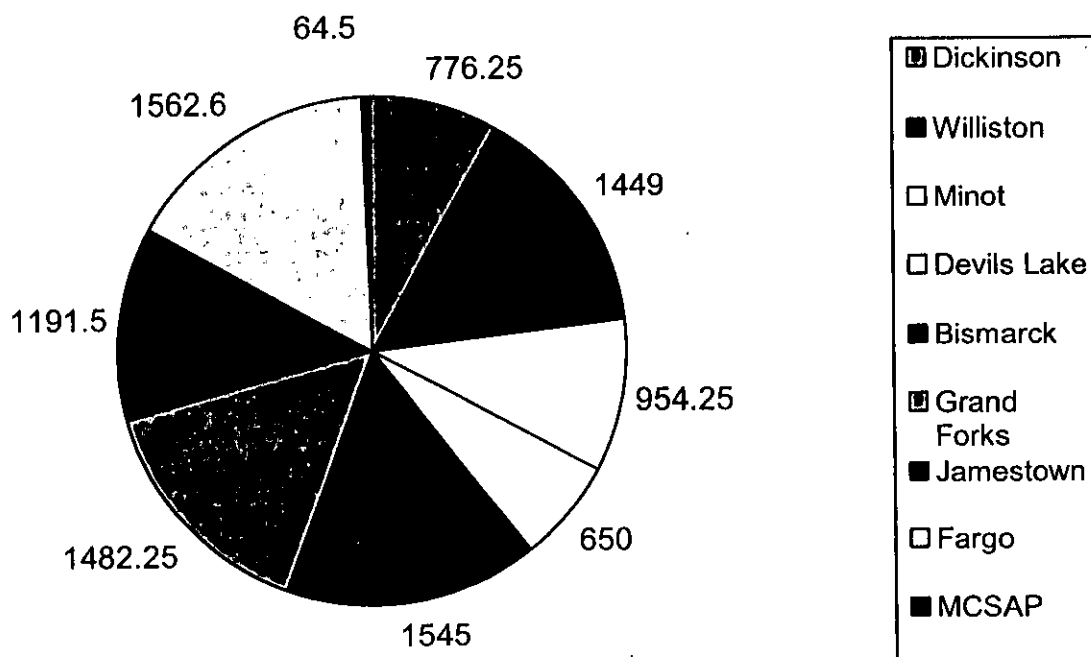
2/16/2007

15



Current Biennium (7/05 – 3/07) Overtime Programs By District

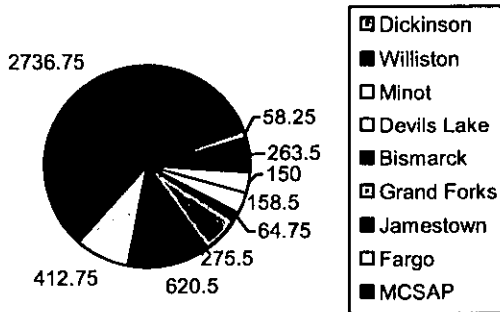
Regular OT



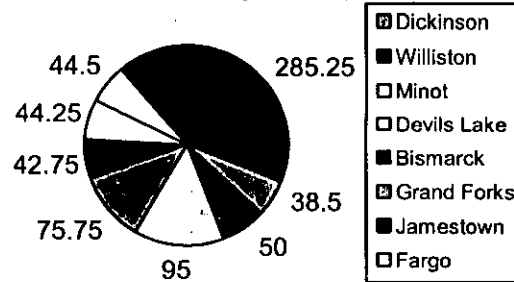


Current Biennium (7/05 – 3/07) Overtime Programs By District

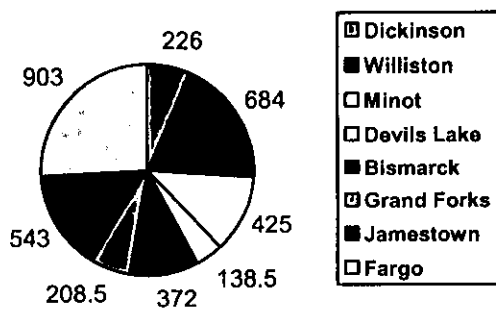
MCSAP



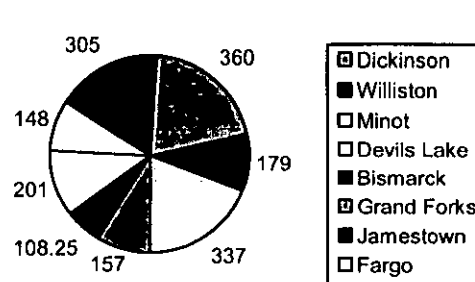
Sobriety Checkpoint



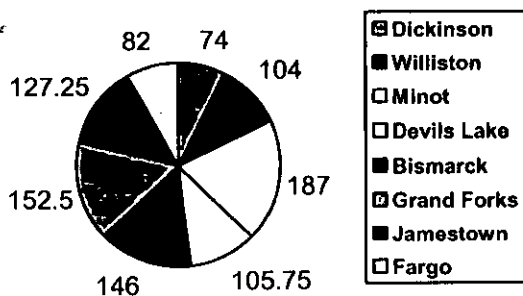
Construction



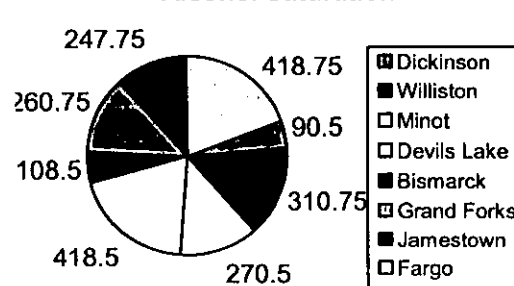
Seatbelt Enforcement



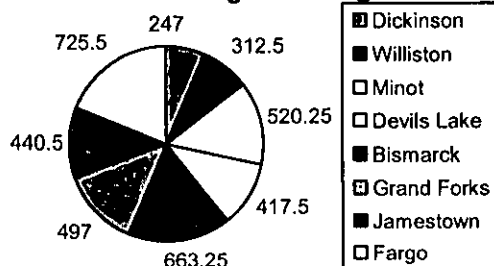
State Program



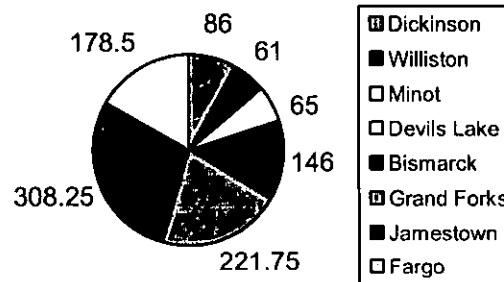
Alcohol Saturation



Underage Drinking



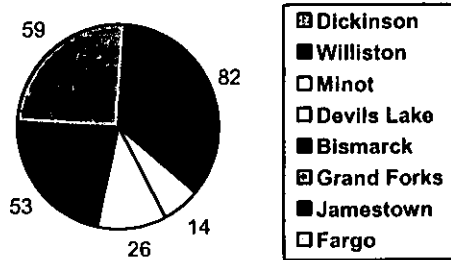
COBIJA



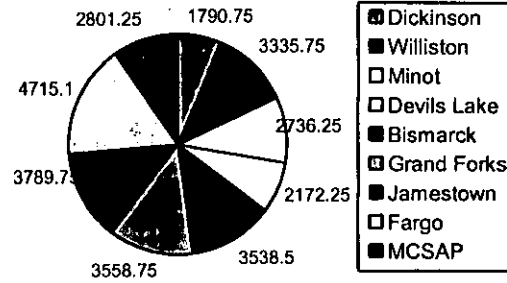


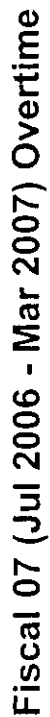
Current Biennium (7/05 – 3/07) Overtime Programs By District

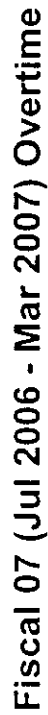
Operation Border Shield



Total OT



Fiscal 07 (Jul 2006 - Mar 2007) Overtime

[illegible]

Authorized Strength 19 including MCSAP Olson & Kirchoffner



[illegible]

Fiscal 07 (Jul 2006 - Mar 2007) Overtime

Fiscal 07 (Jul 2006 - Mar 2007) Overtime

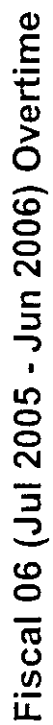


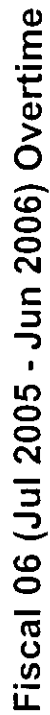
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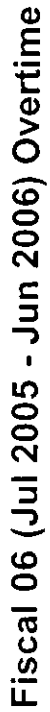
Fiscal 06 (Jul 2005 - Jun 2006) Overtime

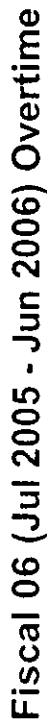
Inspectors	Reg	SP3 MCSAP	SP6 Construction	SP8 State Program	SP13 Under Age Drinking	SP14 Sobriety Checkpoint	SP15 Seatbelt Enforcement	SP17 Alcohol Saturation	SP19 New Entrant	SP20 BIP	SP22 Fusion Center	SP23 Operation Border Shield	SP24 COBIA	Total
Doug Kindem		200.5												200.5
Ken Mertens														0
Richard Geiss	1	208												209
Richard Thurston		214												214
Robert Mcnamara	3	150.5												153.5
Scott Dietz	3	192												195
Trenton Scott		132								2				132
Gary Jensen														2
Harlen Frenzel														0
Tony Novak														0
Jim Benjaminson										2				2
Mertens Ken	2	58												60
MCI Total	9	1155	0	0	0	0	0	0	0	4	0	0	0	1168
Curt Mayhew									253.5					253.5
Rick Schuette									92					92
Jill Ginder		19							43.5					62.5
Total	0	19	0	0	0	0	0	0	389	0	0	0	0	408
Total OT	5772	3791.75	2055	47	3040	296.25	1339.3	1353	389	4	0	234	354.5	18675.75

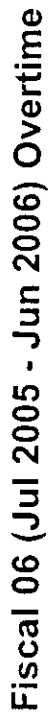


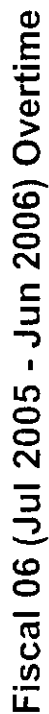
Authorized Strength 22 including MCSAP Olson & Bring

[illegible]

Authorized Strength 13

Authorized Strength 23 including MCSAP Feininger

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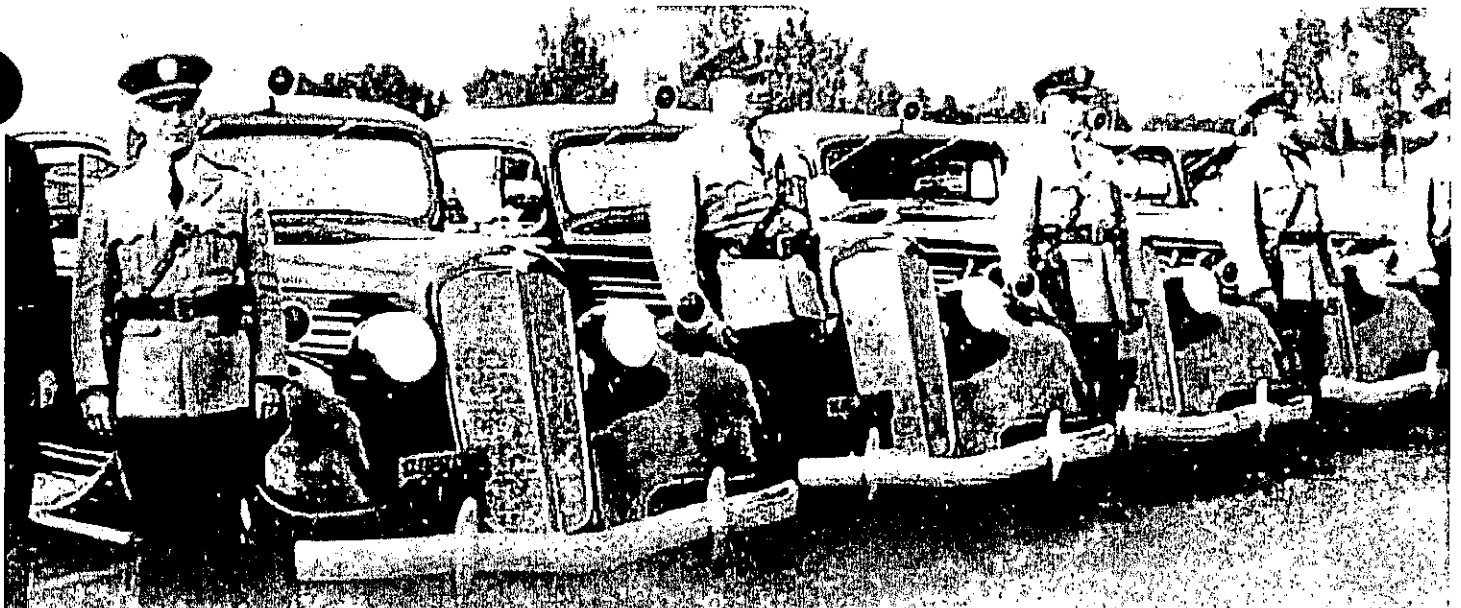
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Authorized Strength 10 Including MCSAP Marshall

[illegible]

NORTH DAKOTA HIGHWAY PATROL

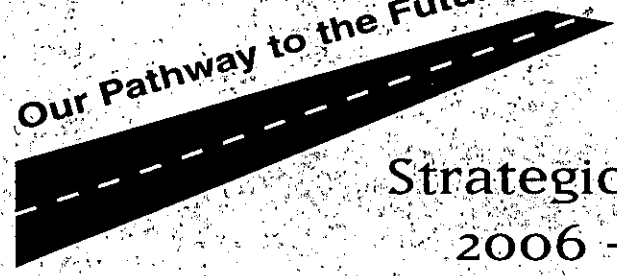
2



Then...



Our Pathway to the Future



Strategic Plan
2006 - 2010

...And Now



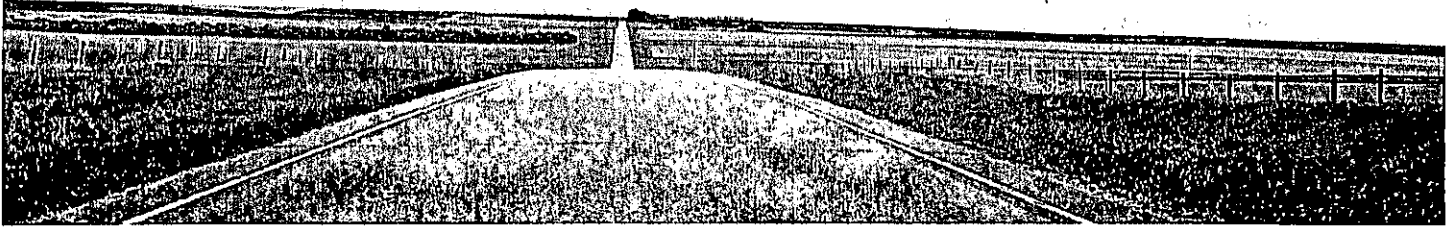


TABLE OF CONTENTS

Mission, Vision, and Values	1
Overview of Agency.....	2
Environmental Assessment.....	3
Operational Goals	5
Public Safety on Highways	6
Provide a Secure Environment For All Citizens	7
Enhance Employee Welfare.....	8
Enhance Relationships	9



MISSION, VISION, AND VALUES

VISION

Public safety through quality service.

MISSION

The mission of the Highway Patrol is to make a difference every day by providing high quality law enforcement services to keep North Dakota safe and secure.



VALUES

LOYALTY — We will show allegiance to ourselves, our department, the state of North Dakota, our community, and to those who came before us and sacrificed so much to ensure the safety of our citizens.

INTEGRITY — Being honest, responsible, and ethical. Citizens place the highest trust in the NDHP. Each member of the NDHP must recognize that they are held to a higher standard of accountability than the public. We must always be mindful to NEVER violate the public trust. Our conduct, both on and off duty, must be beyond reproach.

COMMITMENT — To fulfill the vision of the NDHP, each employee must deliberately carry out their duties and responsibilities to the best of their abilities.

DIVERSITY/RESPECT — Because we are a diverse culture, we value each other and all members of our community, regardless of age, race, gender, appearance, individual beliefs or lifestyles; always showing understanding, respect, and appreciation for our similarities and our differences.

PROFESSIONALISM — To be considered professional we must conform to the technical and ethical standards of our profession. As members of the NDHP, we are proud of our profession. Because we are highly trained and dedicated, we are capable of handling the daily demands of the law enforcement profession and devoting our full energy and talents to the department's vision.

ACCOUNTABILITY — Employees at all levels and ranks must accept responsibility for their actions, both in their personal lives and in their professional lives.

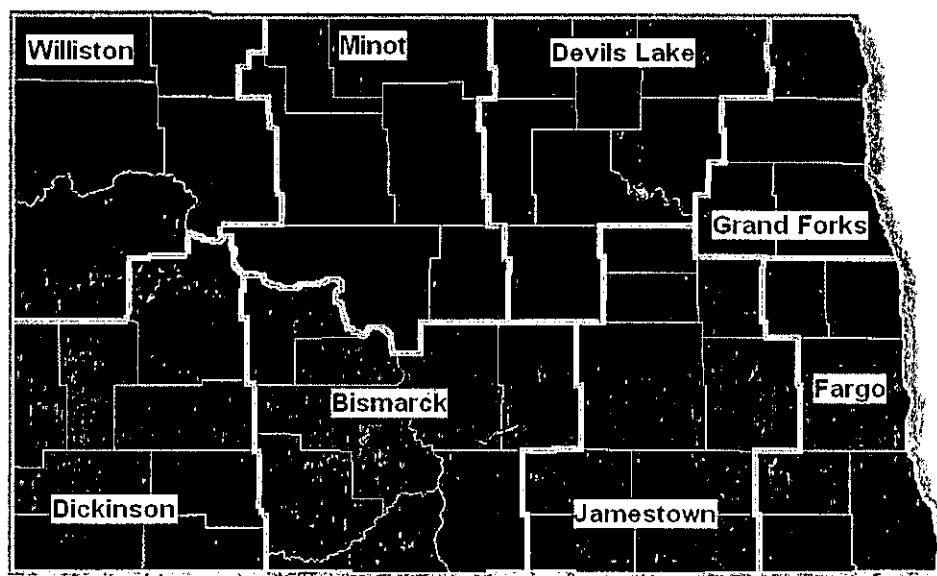


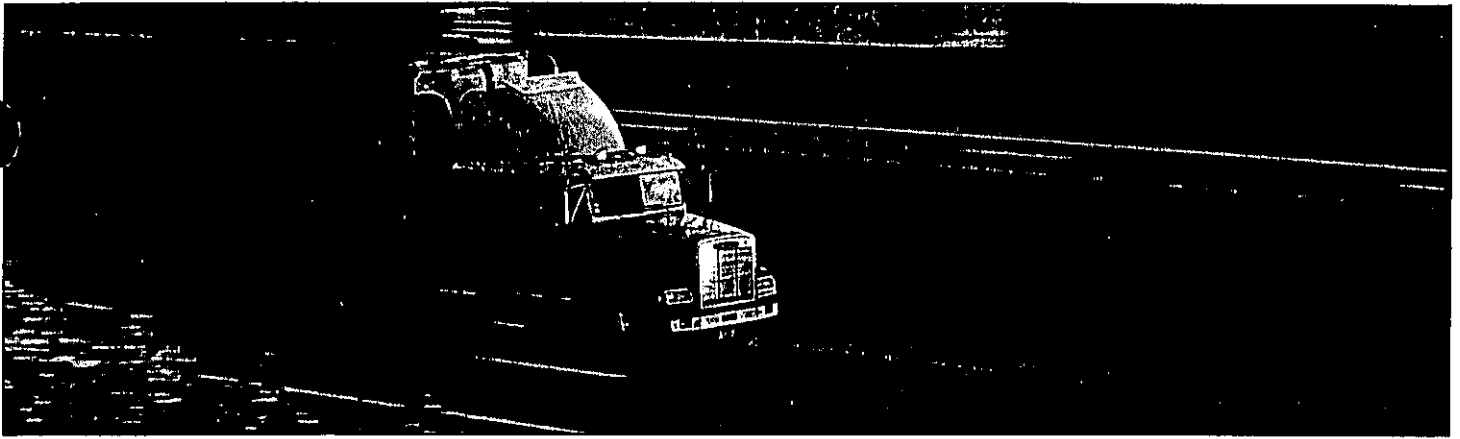
OVERVIEW OF OUR AGENCY

The North Dakota Highway Patrol's (NDHP) primary duty is to keep the motoring public safe as they travel the state's 70,000 square miles. We do this through law enforcement and service. We are the main authority for enforcing laws and regulations relating to commercial vehicle safety and the commercial vehicle industry. The NDHP provides security for the State Capitol and elected government officials. The NDHP also partners with local agencies to provide assistance when situations arise that exceed the limits of local resources.

The NDHP currently has 186 authorized positions: 136 sworn and 50 civilian. The Superintendent is the leader, and ultimately responsible for the Patrol. The NDHP is divided into 3 divisions: Field Operations, Administrative Services, and Support Services. Each division is led at headquarters by a division commander.

Field Operations divides the state into 8 districts (shown below): Dickinson, Williston, Minot, Devils Lake, Bismarck, Jamestown, Grand Forks, and Fargo. This allows for high visibility on the state's 7,382 miles of highway. Each district is under the supervision of a district commander.

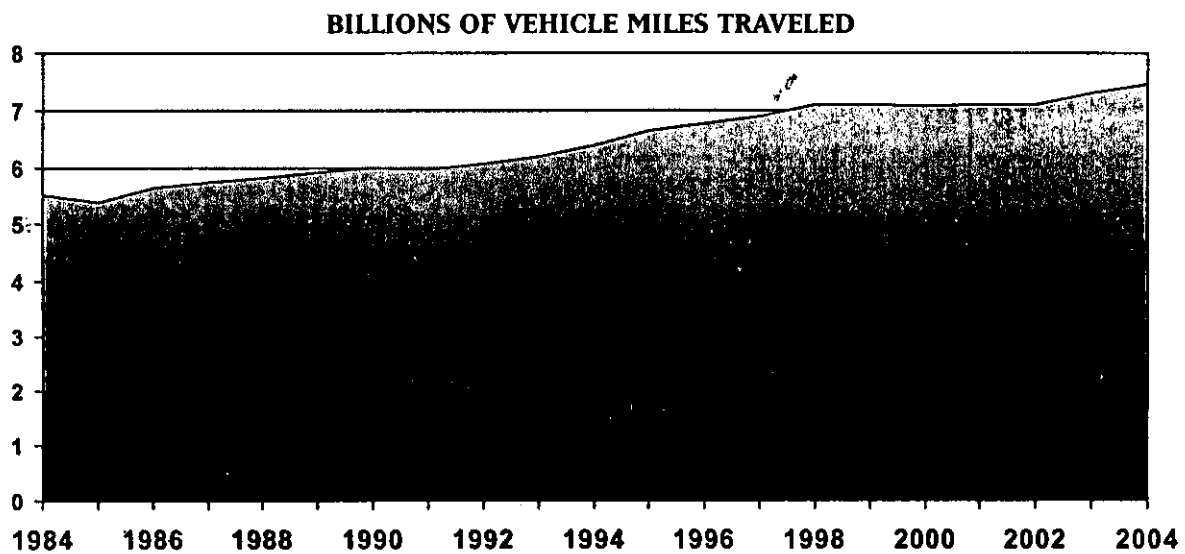




ENVIRONMENTAL ASSESSMENT

North Dakota has more miles of roads per capita than any other state in the nation with approximately 166 miles of road for every 1,000 people. There are 7382 miles of U.S., state, and federal highways. As a result, we have a very large network of roadways to patrol. With the number of vehicle miles traveled steadily increasing (see Figure 1), this becomes an even greater challenge for our troopers.

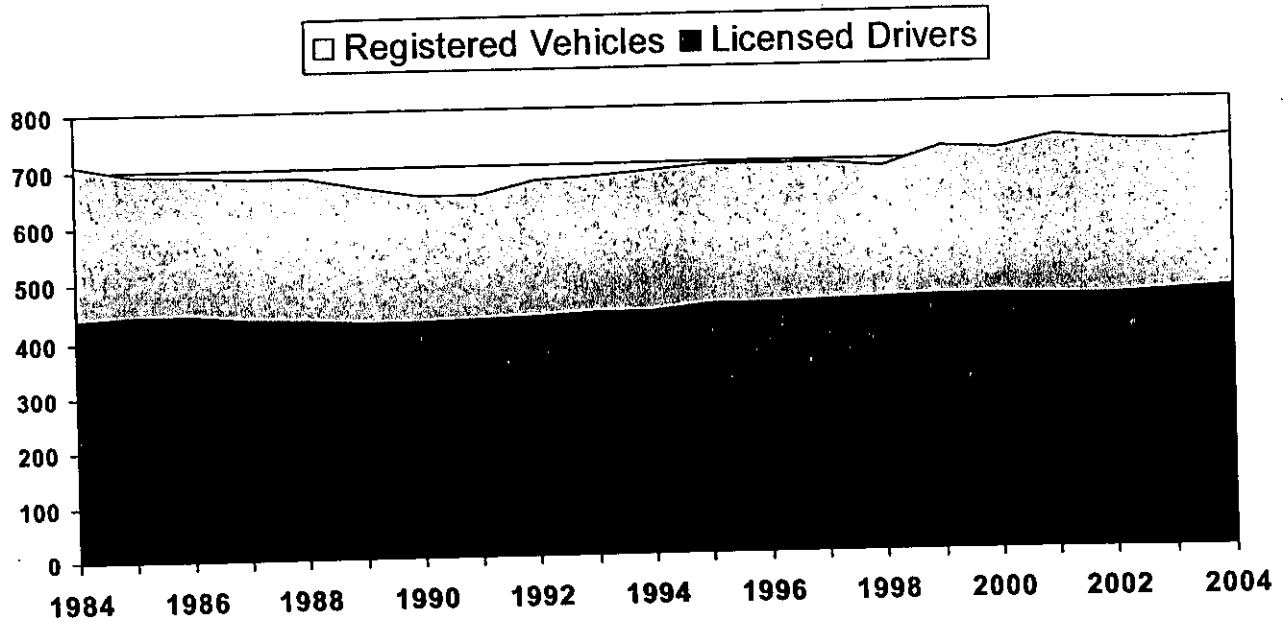
FIGURE 1



Similarly, while the number of licensed drivers in the state has remained relatively constant, the number of registered vehicles is increasing (see Figure 2). This is significant for the Highway Patrol, because it reflects an increasing customer base for a fixed amount of troopers.

FIGURE 2

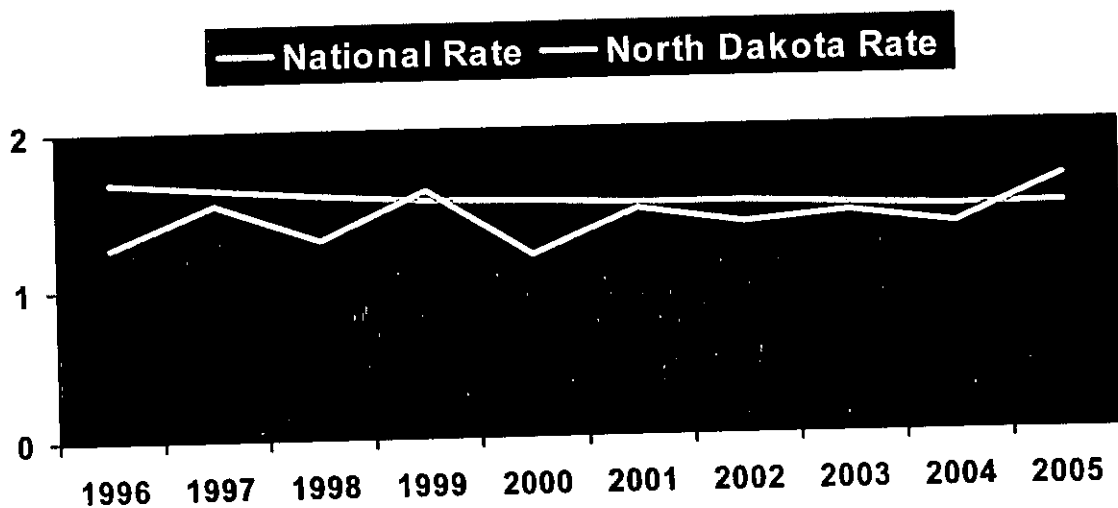
THOUSANDS OF LICENSED DRIVERS AND REGISTERED VEHICLES

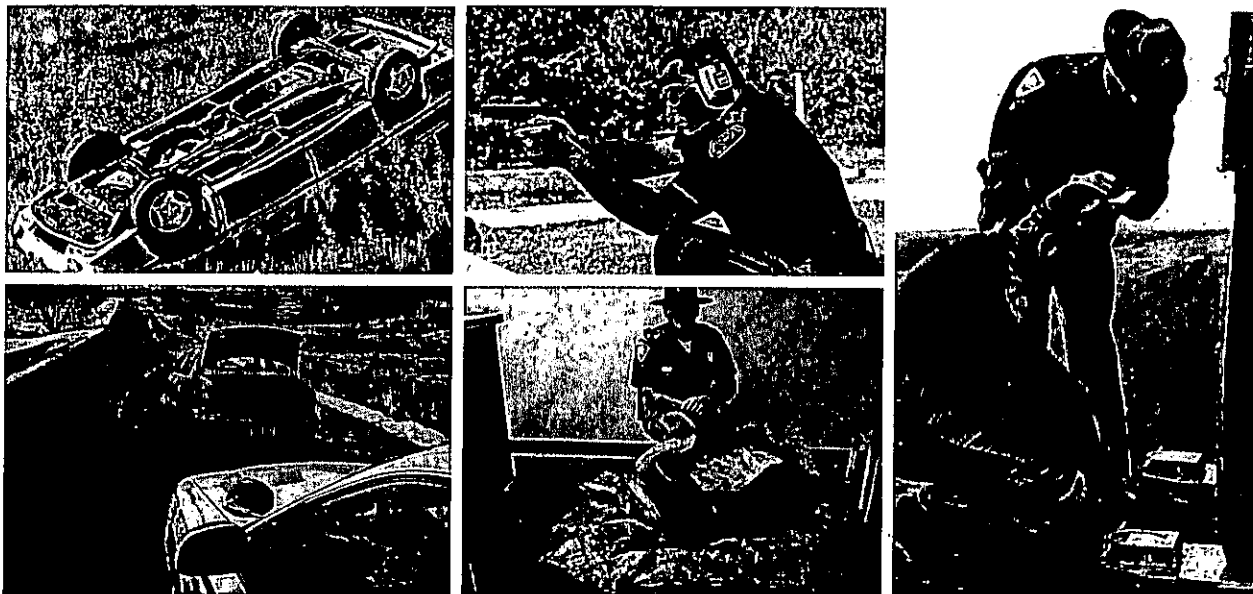


An even greater concern for the NDHP, and the citizens of North Dakota, is the rising fatality rate (see Figure 3). The fatality rate is based on deaths per 100 million vehicle miles traveled.

FIGURE 3

FATALITY RATE - NORTH DAKOTA vs. NATIONAL



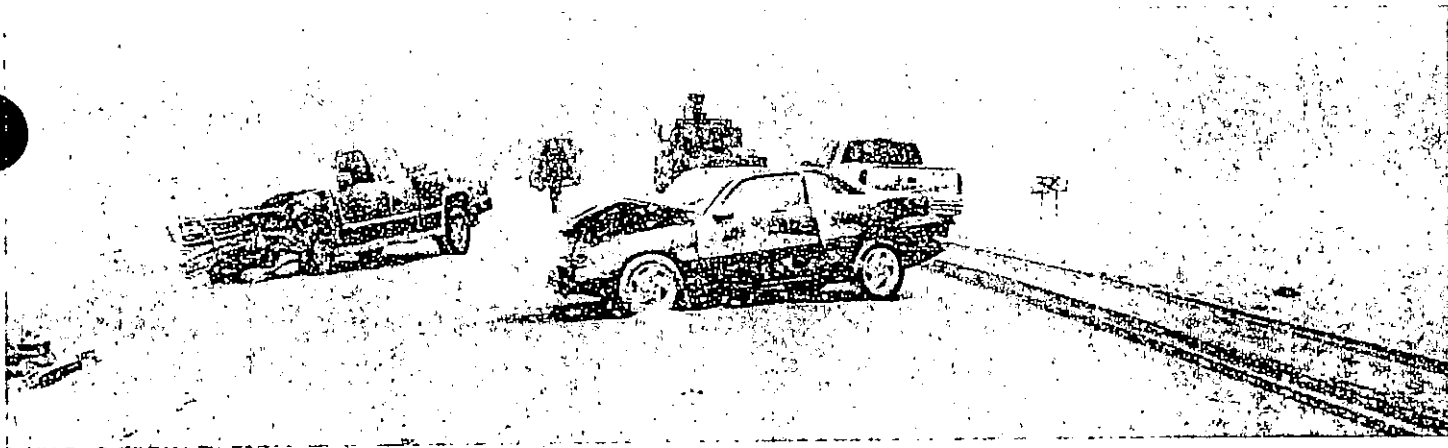


OPERATIONAL GOALS

Our agency is built on 7 key operational goals that drive our troopers to make a difference in the state of North Dakota every day.

1. Concentrate efforts towards patrolling highways and being visible
2. Reduce crashes and investigate when they do occur
3. Impact alcohol abuse relating to DUI and underage consumption and the tragedies that happen on our highways as a result
4. Impact criminal activity occurring in our state
5. Protect highway infrastructure and provide for the safe movement of goods and services through an effective motor carrier program
6. Provide quality service to the public
7. Hold individuals, not groups or districts, accountable for their actions, good or bad

The NDHP's strategic plan for the coming years is comprised of 4 goals that complement the Operational Goals we strive towards on a daily basis. These 4 goals, and the strategies to achieve them, are detailed in the following pages. It is important to note that this is a "living document" and will be evaluated and discussed throughout the coming years.



GOAL #1 – PUBLIC SAFETY ON HIGHWAYS

OVERVIEW

North Dakotans face several dangers when traveling. Impaired, fatigued, or simply preoccupied drivers can cause a fatal collision. In North Dakota, consistently, nearly half of all fatal crashes involve a drinking driver. Severe winter weather poses another significant threat.

While statewide survey results show the number of individuals using seatbelts to be at an all-time high (76.3%), approximately 62% of those killed in 2004 and 69% of those killed in 2005 were not restrained.

OBJECTIVES

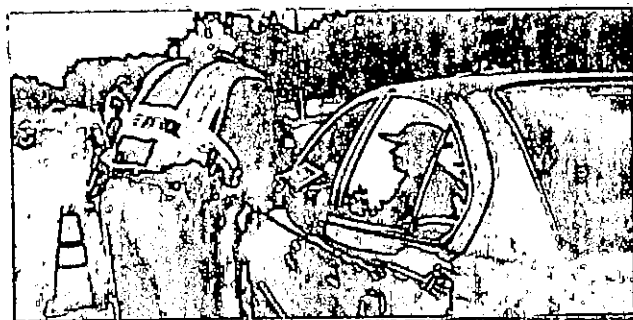
Reduce crash rate per 100 million vehicle miles traveled to 1.90 by 2009.

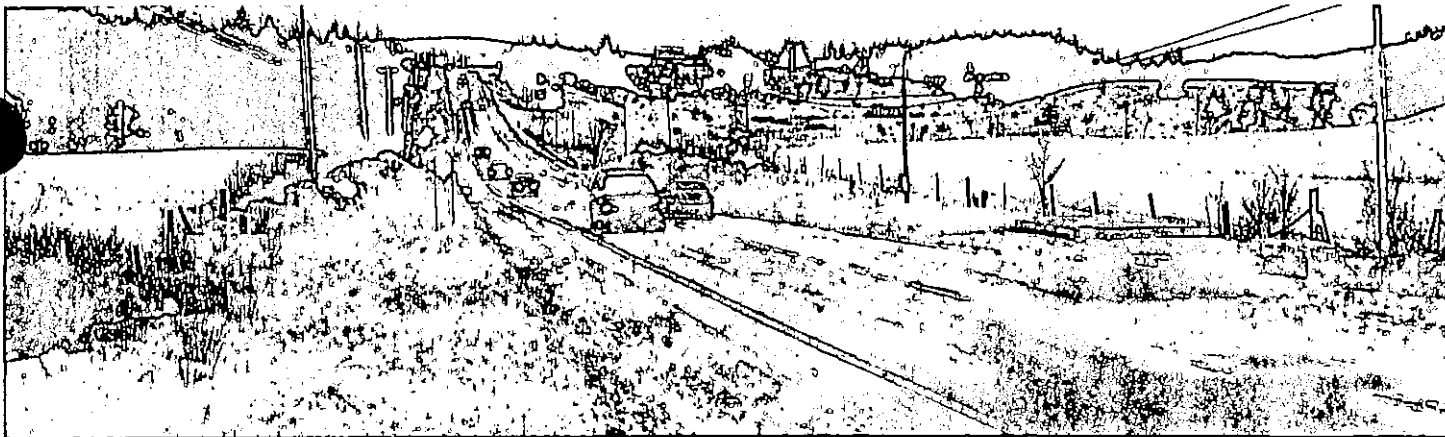
Reduce fatal crash rate per 100 million vehicle miles traveled to 1.0 by 2009.

Reduce percentage of alcohol-related fatal crashes to 40% by 2009.

Increase statewide seat belt usage rate to 80% by 2009.

Implement a MCSAP division to improve coordination for the safe and efficient movement of commercial motor vehicle traffic by 2008.





GOAL #2 - PROVIDE A SECURE ENVIRONMENT FOR ALL CITIZENS

OVERVIEW

The events of September 11th changed the way our nation views security. Public places, such as the State Capitol, need to be watched closely. North Dakota borders Canada, heightening the need for security as this leaves a door open for terrorists and criminal interdiction.

While the population of the state as a whole is relatively constant, the population in three areas of the state are well-populated. Fargo, Grand Forks, and Bismarck have concentrated populations that are steadily growing. Fargo moved to a 2 a.m. closing time for bars in 2005, and it is expected that Grand Forks and Bismarck will eventually follow suit. This increases the need for 24-hour patrol to adequately service the population of these three areas.

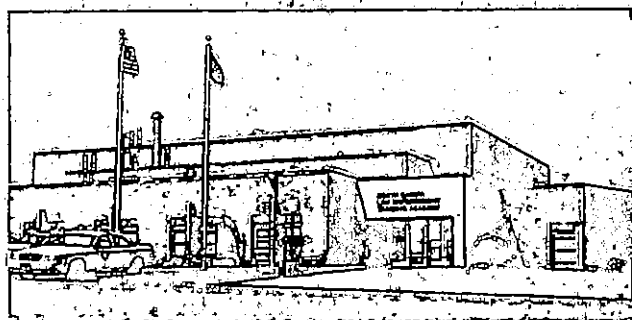
OBJECTIVES

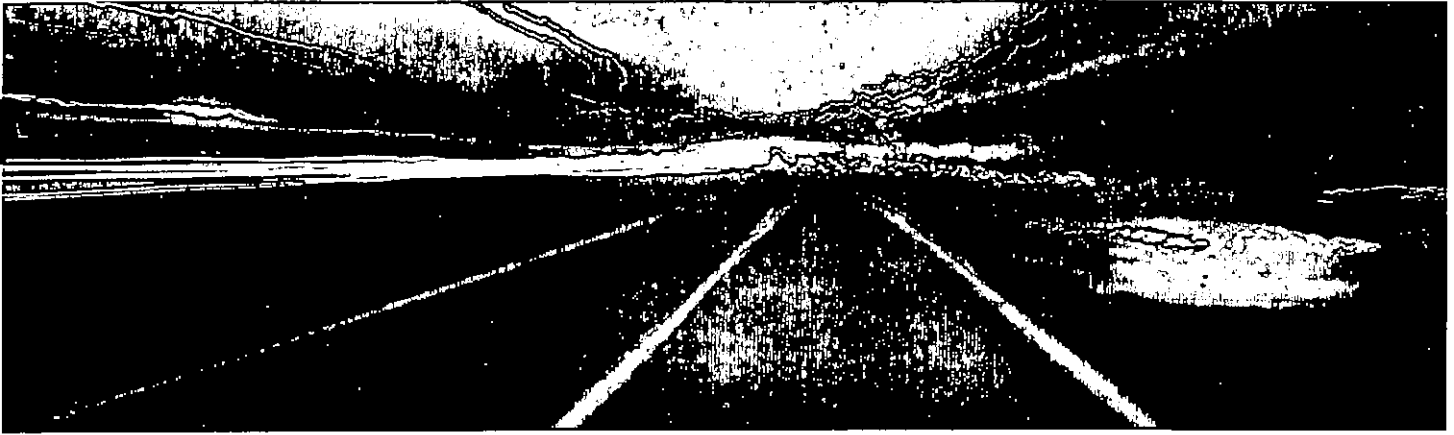
Implement twenty-four hour coverage in the three largest urban areas by 2010.

Increase personnel for homeland security needs by 2010.

Prioritize facility needs to provide for better public access by 2008.

Study training facility needs by 2008.





GOAL #4 - ENHANCE RELATIONSHIPS

OVERVIEW

NDHP has many stakeholders. Taxpayers, the governor, legislators, and the motor carrier industry are only a few of the groups external to the organization that have some influence on or vested interest in the Patrol and its services. Unfortunately, many individuals are unaware of everything that the NDHP does, and what it is all about.

OBJECTIVES

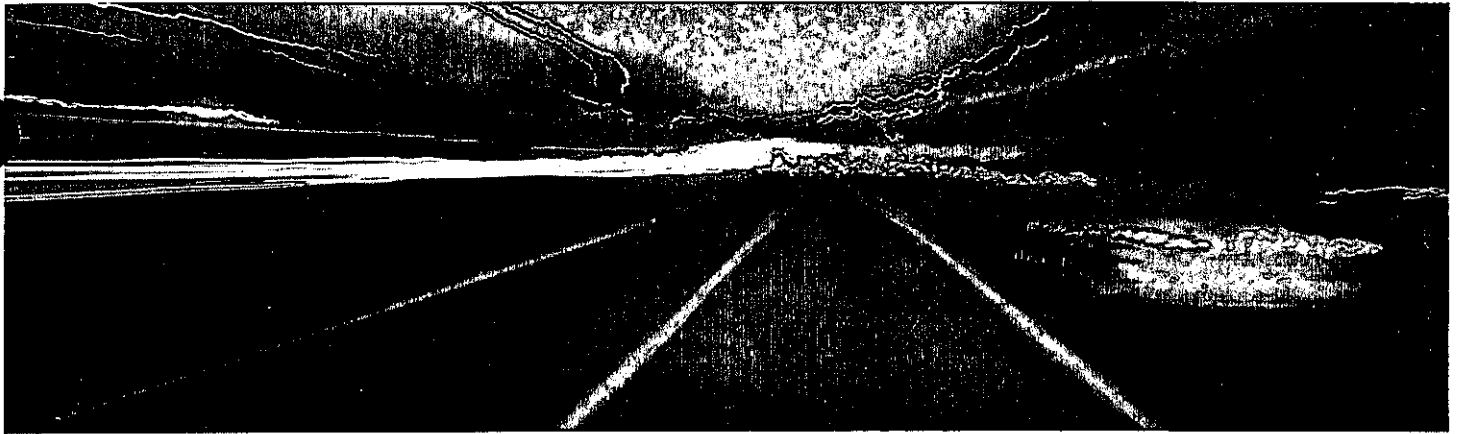
Improve information exchange with stakeholders by conducting statewide community meetings every two years.

Increase public awareness of duties and responsibilities of the department by conducting three presentations per district every year by 2008.

Develop a citizen police academy by 2008.

Develop and implement a customer satisfaction survey by 2008.





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How Effective are Motor Carrier Safety Assistance Programs (MCSAP) in North Dakota?

Analysis Division - March 2007

Background

The Motor Carrier Safety Assistance Program (MCSAP) provides funding to State and local agencies and other stakeholders to partner with FMCSA in programs that will help reduce CMV-related crashes and the resulting injuries and fatalities. These safety programs focus on consistent and effective enforcement of the Federal Motor Carrier Safety Regulations (FMCSR) and the Federal Hazardous Material Regulations (HMR). MCSAP, through its State partners, supports roadside safety inspections, State traffic law enforcement, motor carrier compliance reviews, new-entrant safety audits, data improvement efforts, and educational outreach.

This analysis examines the impact of MCSAP-related activities in the state of North Dakota between 2002 and 2005. In particular the analysis considers motor carrier compliance reviews, roadside inspections, and traffic enforcement.

Methodology

FMCSA, in cooperation with the Volpe National Transportation Systems Center, has developed an analytic models to measure the effectiveness of compliance reviews, roadside inspections and traffic enforcements in terms of crashes avoided, injuries avoided, and lives saved. These models provide FMCSA management with the information it needs to address the requirements of the Government Performance and Results Act (GPRA) of 1993, which obligates Federal agencies to measure the effectiveness of their programs as part of the budget cycle process.

Compliance Review Effectiveness Model (CREM)

The CR Effectiveness Model shows the direct impact of compliance reviews on carrier safety, but not the "deterrent" effects (i.e., the effect on a carrier's behavior due to the potential of having a CR). The model is based entirely on "before and after" changes in the safety performance of carriers that received CRs. The model compares a motor carrier's crash rate in 12-month periods after a CR to its crash rate in the 12-month period prior to that review. To make this comparison, the model uses (1) crash data reported by the states and (2) power unit data reported by carriers or obtained during CRs.

Results produced by the CREM were available for the state of North Dakota for 2002-2004. 2005 results were estimated based off of results from the previous 3 years. Of the 201 compliance reviews conducted by state personnel between 2002 and 2005, 169 met the criteria for inclusion in the CREM. Table 1 shows the results of these 169 CRs. It is estimated that over the 4 year period that these CRs prevented 57 crashes. Further, it is projected that these 57 crashes would have resulted in 42 injuries and 2 fatalities.

Table 1: Effectiveness of Compliance Reviews Conducted by North Dakota State Personnel (2002-2005)

Estimated Benefits	
Crashes Avoided	57
Injuries Avoided	42
Lives Saved	2

Intervention Model

The Intervention Model is based on the premise that the Roadside Inspection and Traffic Enforcement programs directly and indirectly contribute to a reduction in crashes. The model includes two submodels that are used for measuring these different effects. *Direct effects* are based on the assumption that vehicle and/or driver defects discovered and then corrected as the result of interventions reduce the probability that these vehicles/drivers will be involved in subsequent crashes. The model calculates direct-effect-prevented crashes according to the number and type of violations detected and corrected during an intervention. *Indirect effects* are the by-products of the carriers' increased awareness of FMCSA programs and the potential consequences that the programs could impose if steps are not taken to ensure and/or maintain higher levels of safety. In order to measure indirect effects, which are essentially changes in behavior involving driver preparation, practices and vehicle maintenance, the model calculates responses to exposure to the programs and the resulting reduction in potentially crash-causing violations.

Results produced by the CREM were available for the state of North Dakota for 2002-2005. These results are summarized in Table 2. The table shows the results of almost 65,000 roadside inspection and traffic enforcement activities conducted by the state over the 4 years. These activities are estimated to have prevented 146 crashes, 106 injuries and 6 fatalities.

Table 2: Effectiveness of North Dakota Roadside Inspections and Traffic Enforcements (2002-2005)

Estimated Benefits	Roadside Inspections	Traffic Enforcements
Crashes Avoided	100	46
Injuries Avoided	73	33
Lives Saved	4	2

Conclusion

The MCSAP in North Dakota is making a difference in safety. Over the 4 year period examined more than 200 crashes were prevented as a result of the State's compliance review, roadside inspection and traffic enforcement activities. Almost 150 injuries were prevented and 8 lives were saved.

For Further Information

Please contact Mr. Richard Gruberg of FMCSA's Analysis Division: 202-366-2959, richard.gruberg@dot.gov or Ms. Julie Nixon of the Volpe National Transportation Systems Center: 617-494-2283, nixon@volpe.dot.gov.