

TESTIMONY OF

**Colonel Brandon Solberg, Superintendent**

**Introduction**

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

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

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

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

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

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

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

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

### **Current Biennium Accomplishments**

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

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

### **Agency Workload**

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

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

## **Audit Findings**

### **Finding 2020-01**

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

#### **Recommendation:**

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

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

### Response:

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

### Corrective Action:

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

### **Finding 2020-02**

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

#### **Recommendation:**

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

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

### Response:

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

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

### Corrective Action:

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

## **Status of One-Time Projects**

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

- Hard body armor replacement
  - \$265,000 – Motor Carrier Electronic Permit Transaction Fund
  - This project is 100% complete
- Body and in-car camera purchase
  - Total project cost - \$1,458,000
  - \$1,158,000 – Motor Carrier Electronic Permit Transaction Fund
  - NHTSA grant funds - \$300,000
  - Installs are 100% complete, project is 95% complete
  - Additional download needs in rural areas
  - Minor equipment adjustments

- Commercial Vehicle Information Exchange Window
  - \$275,000 Federal and Permit Funding
  - Top level design document complete (Phase 1)
  - Currently in procurement process to select the CVIEW software package
- Law Enforcement Training Academy (LETA) Remodel
  - \$3,000,000 – Federal Funds - State Fiscal Recovery Fund
  - Design work has been completed
  - Project has been bid
  - Contractor has been selected
  - Remodel work to begin early 2023
- Statewide Interoperability Radio Network (SIRN) Radios
  - \$2,612,000 – Federal Funds – State Fiscal Recovery Fund
  - Mobile and portable radios have been purchased
  - Initial test installs to begin in early adopter areas of Bismarck, Grand Forks and Williston early in 2023

### **Executive Budget Comparison – Total Budget**

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

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

### **Removal of One-Time Appropriations**

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

## Agency Collections

The highway patrol deposits collections into the following funds:

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

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

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

## Optional Adjustment Requests

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

Optional Request	Amount	Executive Budget Status
<b>STATE FUNDS</b>		
NDPERS Contribution 2021-23 <ul style="list-style-type: none"><li>• 0.5% employer contribution increases effective 1/1/22 and 1/1/23</li><li>• <b>Ongoing</b></li></ul>	\$129,622	Approved
State Fleet Increase <ul style="list-style-type: none"><li>• \$0.94 operating/depreciation; \$0.05 replacement; total \$0.99/mile</li><li>• General - \$1,706,000</li><li>• Federal - \$60,000</li><li>• Special - \$276,000</li><li>• Ongoing request; approved as <b>one-time</b></li></ul>	\$2,042,000	Approved



Lease Rate Increase <ul style="list-style-type: none"> <li>• Various lease rate adjustments</li> <li>• Regional offices, hangar, HQ</li> <li>• <b>Ongoing</b></li> </ul>	\$123,000	Approved
Sworn Officer Positions <ul style="list-style-type: none"> <li>• Approximately \$284,082 each</li> <li>• Backfill five criminal interdiction team members - \$1,685,416 (\$1,420,416 <b>ongoing</b>; \$265,000 <b>one-time</b>)</li> <li>• Add five criminal interdiction team members for the NW/NE - \$1,420,420 (<b>ongoing</b>)</li> <li>• Add two officers to enhance security and protection duties - \$568,170 (<b>ongoing</b>)</li> </ul>	\$3,674,006	Approved
Information Technology <ul style="list-style-type: none"> <li>• Learning management software - \$105,000 (\$70,000 <b>ongoing</b>; \$35,000 <b>one-time</b>)</li> <li>• Academy management software - \$122,000 (\$50,000 <b>ongoing</b>; \$72,000 <b>one-time</b>)</li> <li>• Field training officer software - \$15,200 (\$9,000 <b>ongoing</b>; \$6,200 <b>one-time</b>)</li> <li>• Video/digital photo storage - \$118,000 (\$103,000 <b>ongoing</b>; \$15,000 <b>one-time</b>)</li> <li>• Records management system (RMS) program updates - \$80,000 (<b>one-time</b>)</li> <li>• RMS/daily activity maintenance - \$25,000 (<b>ongoing</b>)</li> <li>• Daily activity software - \$10,000 (<b>one-time</b>)</li> <li>• States attorney portal interface - \$55,000 (\$5,000 <b>ongoing</b>; \$50,000 <b>one-time</b>)</li> <li>• Dashboard research/analytics - \$15,000 (<b>one-time</b>)</li> </ul>	\$545,200	Approved
Equipment <ul style="list-style-type: none"> <li>• UAV program enhancement - \$105,000 (\$1,000 <b>ongoing</b>; \$104,000 <b>one-time</b>)</li> <li>• Narcotic handheld testing device - \$60,000 (<b>one-time</b>)</li> </ul>	\$165,000	Approved

Inflationary Increases <ul style="list-style-type: none"> <li>• Uniforms - \$58,000 (<b>one-time</b>)</li> <li>• Ammunition - \$46,000 (<b>one-time</b>)</li> <li>• Equipment - \$370,000 (<b>one-time</b>)</li> <li>• Travel - \$46,000 (<b>one-time</b>)</li> <li>• Recruitment and advertising - \$50,000 (<b>ongoing</b>)</li> </ul>	\$570,000	Approved
Additional Warehouse Space <ul style="list-style-type: none"> <li>• <b>Ongoing</b></li> </ul>	\$123,000	Approved
Garage Addition – Fargo Regional Office at DOT <ul style="list-style-type: none"> <li>• <b>One-time</b></li> </ul>	\$722,000	Approved
Additional Sworn Officers at \$284,082 Each <ul style="list-style-type: none"> <li>• Two training officers</li> <li>• One state property criminal investigator</li> <li>• Two size and weight enforcement officers</li> <li>• One strategic planning officer</li> <li>• One recruiter</li> <li>• Two safety and education officers</li> <li>• One crash reconstructionist</li> </ul>	\$2,840,820	<b>Not Approved</b>
<b>FEDERAL FUNDS</b>		
Statewide DRE Coordinator <ul style="list-style-type: none"> <li>• Drug recognition expert (DRE) and standardized field sobriety testing programs</li> <li>• NHTSA-funded (100% federal funding)</li> <li>• <b>Ongoing</b></li> </ul>	\$284,082	Approved
Motor Carrier Troopers <ul style="list-style-type: none"> <li>• Four additional Motor Carrier Safety Assistance Program officers - \$1,348,716</li> <li>• Two of the four positions were approved</li> <li>• MCSAP-funded (95% federal funding for eligible hours and expenses)</li> <li>• <b>Ongoing</b></li> </ul>	\$674,358	Partially Approved

Commercial Motor Vehicle (CMV) Equipment <ul style="list-style-type: none"> <li>Crash reconstruction equipment - \$35,000 (<b>one-time</b>)</li> <li>UAVs for CMV inspections - \$100,000 (<b>one-time</b>)</li> <li>Scale signage and lighting - \$150,000 (<b>one-time</b>)</li> </ul>	\$185,000	Approved
Upper Great Plains Traffic Institute Crash Analysis <ul style="list-style-type: none"> <li><b>One-time</b></li> </ul>	\$92,000	Approved
Aries and Aspen Bridge <ul style="list-style-type: none"> <li><b>One-time</b></li> </ul>	\$50,000	Approved
CMV Automated License Plate Readers	\$160,000	<b>Not Approved</b>

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

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

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

## **Additional Appropriation Considerations**

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

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

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

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

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

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

- One-time equipment costs for 10 of the sworn officer positions included in the executive budget were inadvertently omitted
  - Only five sworn officers were funded appropriately for one-time costs

- \$53,000/officer = \$530,000 total
  - \$369,198 general; \$100,700 federal; \$60,102 special funds (**one-time**)
- Two of the criminal interdiction team members are supervisors
  - Inadvertently entered at trooper salary level
  - Additional biennial sergeant salary = \$58,915 each or \$117,830 total
  - \$101,344 general; \$16,496 special (**ongoing**)
- Unvouchered expenses were inadvertently left out
  - \$200/month/officer is the current rate
  - 13 new non-supervisory positions = \$62,400 total
  - \$53,412 general; \$8,988 special (**ongoing**)
- Total requested correction: \$710,230
  - General funds - \$523,944
  - Special funds - \$100,700
  - Federal funds - \$85,586

### **Agency-Related Bills**

- **Senate Bill 2053**
  - Changes the terms “patrolman” to “trooper” and “accident” to “crash”
  - With the Senate Transportation Committee
  - No budgetary impact
- **Senate Bill 2054**
  - Clarifies NDHP dignitary protection duties and card access responsibilities
  - With the Senate Transportation Committee
  - No budgetary impact
- **Senate Bill 2120**
  - Clarifies that overweight vehicle fees apply to non-interstate highways
  - With the Senate Transportation Committee
  - No budgetary impact
- **House Bill 1060**
  - Adds monthly and annual commercial motor vehicle permit options
  - With the House Transportation Committee
  - No budgetary impact
- **House Bill 1061**
  - Clarifies the right-of-way at stop sign intersections and that window damage that impairs a driver’s view is a violation
  - With House Transportation Committee
  - No budgetary impact

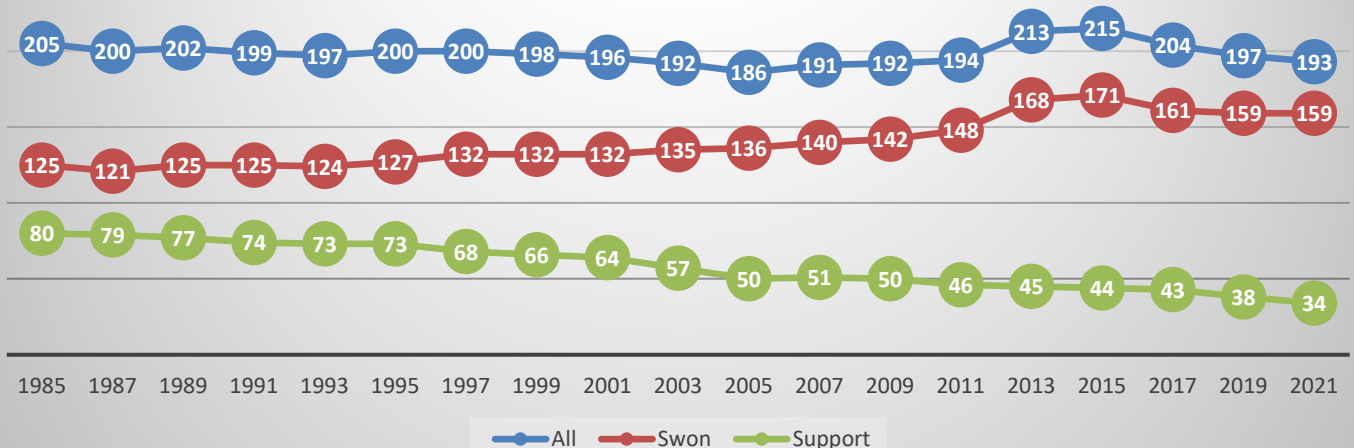
- **Senate Bill 2015**

- Adds equity and performance-based pay for state agencies
- \$1.16 million in equity identified for the NDHP
- 6% and 4% annual performance increases
- Fully funded health insurance

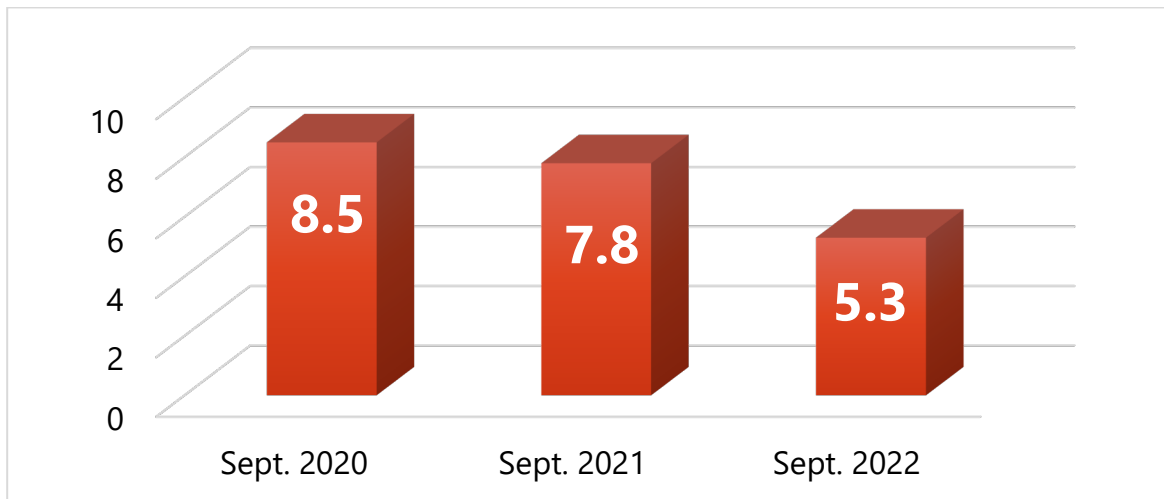
## Workforce Issues

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

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



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



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

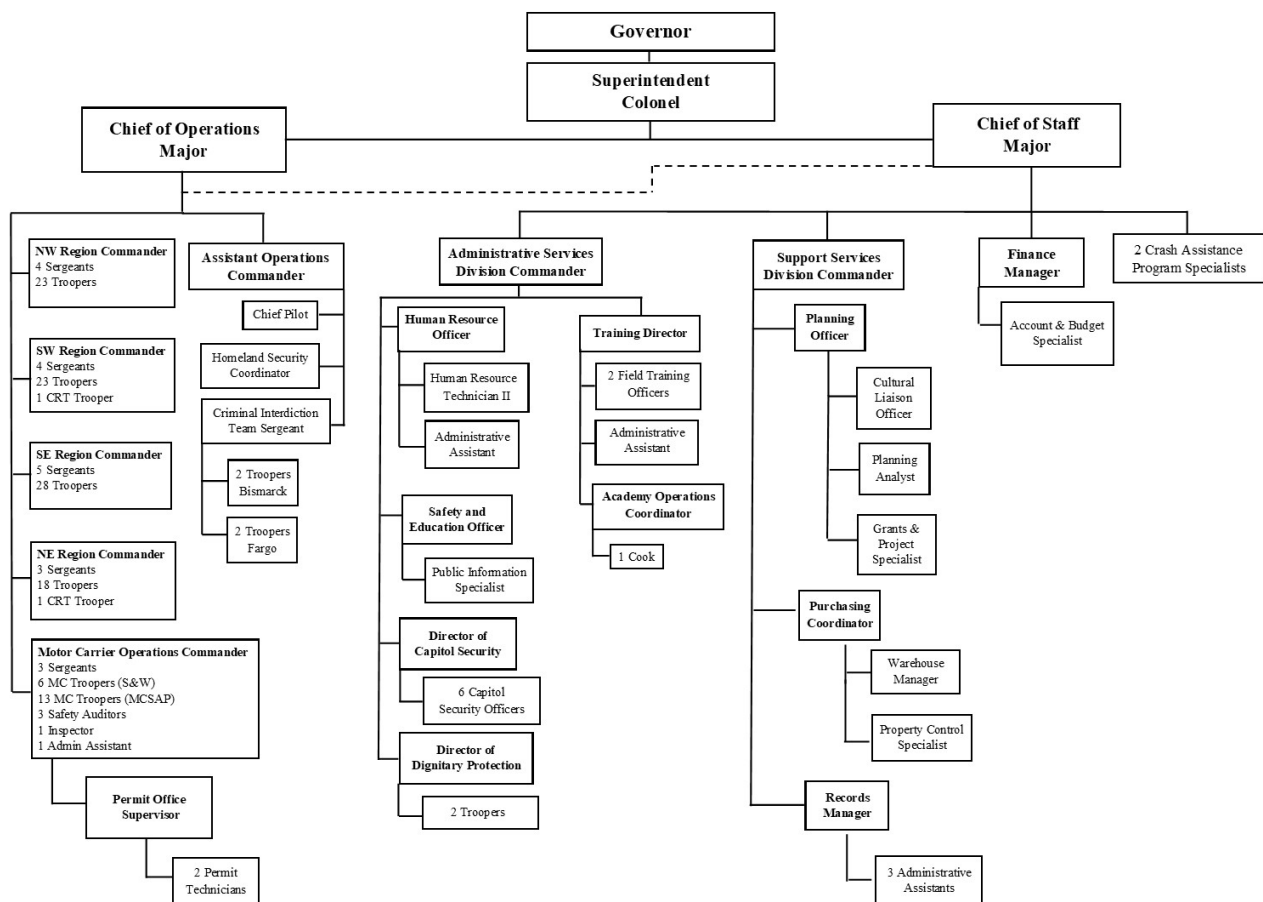
## **Conclusion**

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

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

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

**NORTH DAKOTA HIGHWAY PATROL ORGANIZATION CHART**



January 2023



# North Dakota Highway Patrol Historical Staffing

