

March 28, 2023

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1011

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

Page 1, replace lines 11 through 15 with:

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

Page 1, replace line 21 with:

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

Page 2, replace line 2 with:

"New trooper startup costs	0	636,000"
----------------------------	---	----------

Page 2, replace lines 7 through 11 with:

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

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

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

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

Page 3, after line 10, insert:

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

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

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

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

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

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

House Bill No. 1011 - Highway Patrol - Senate Action

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

Department 504 - Highway Patrol - Detail of Senate Changes

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

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

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

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

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

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

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

³ The following FTE positions are added:

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

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

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

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

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

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

This amendment also:

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