

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1011

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

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

Page 1, replace lines 11 through 15 with:

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

Page 1, replace line 21 with:

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

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

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

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

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

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

Page 3, after line 2, insert:

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

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

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

Page 3, after line 10, insert:

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

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

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

SECTION 9. DEFERRED MAINTENANCE - UNEXPENDED

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

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

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

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

Department 504 - Highway Patrol - Detail of Conference Committee Changes

	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	Adds Funding for CVIEW System ⁶
Highway patrol	\$754,249	(\$5,319,935)	\$1,064,377	\$52,800	\$416,947	\$150,000
Total all funds	\$754,249	(\$5,319,935)	\$1,064,377	\$52,800	\$416,947	\$150,000
Less estimated income	200,830	(1,595,167)	421,909	7,392	170,305	150,000
General fund	\$553,419	(\$3,724,768)	\$642,468	\$45,408	\$246,642	\$0
FTE	0.00	0.00	3.00	0.00	0.00	0.00

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

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, the same as the Senate, as follows:

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

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

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

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

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

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	1.00	16,854	320,325	337,179
Total	3.00	\$505,728	\$399,649	\$905,377

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

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

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

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

⁷ Funding for technology enhancements is adjusted as follows:

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

This amendment also:

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