

2011 HOUSE APPROPRIATIONS

HB 1011

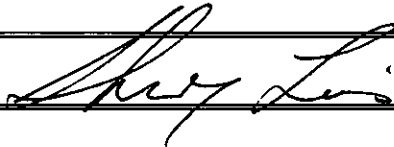
2011 HOUSE STANDING COMMITTEE MINUTES

House Appropriations Government Operations Division
Medora Room, State Capitol

HB1011
January 20, 2011
Recorder Job# 13128

☐ Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

A Bill for an Act to provide an appropriation for defraying the expenses of the highway patrol.

Minutes:

Roll call was taken.

Chairman Thoreson opened the hearing on HB1011.

Representative Delzer, District 8: There's a bill that we dropped in from the Appropriations Committee HB1350; which is the same as we passed out from the legislature at the end of last biennium. This is a pilot project where we look at these 2 bills together. They're the same bill; the difference is that in HB1350, instead of the changes the Governor proposes be incorporated as an amendment. The hope is that if this works out better for the floor members and non appropriations members; when it goes to the floor, we'll take both of these bills at the same time. What we would ask you to do is work both of these bills together. You work the budget the way you normally would; then when you build the amendments, you'll build the amendment for HB1011 off of the Governor's budget. For HB1350 you'll build the amendment which makes the changes to last biennium.

Representative Glassheim: Is this the only pilot we're going to be doing this year?

Representative Delzer: Yes, this is the only one. We chose it because it's one with fewer changes.

Representative Kroeber: We need to make sure that HB1011 and HB1350 are exactly the same?

Representative Delzer: The amendments are exactly the same.

James Prochniak, Colonel, North Dakota Highway Patrol: See attached testimony 1011.1.20.11A.

Chairman Thoreson: The computer aided dispatch; the location is that through a GPS type system?

James Prochniak: That's exactly what it is.

Chairman Thoreson: How do you identify the status of the patrol unit? What is that definition and how is that quantified?

James Prochniak: Maybe it's best to give an example that occurs out on the highway. A call occurs, whether it's a 911 call or a highway assist, state radio will receive that call. It's not only broadcast; it's then entered into that dispatch log. The officer in the area will have to acknowledge that call; that means they're the responding officer. They'll then go to that call and in the compute aided dispatch system, they can say they're on the scene, they can say they're cleared from the scene and have handled the call. Then the mapping has their car at the location so the dispatchers have an idea where they are at.

Chairman Thoreson: What level of training was involved for the officers to be able to start accessing this system?

James Prochniak: Last in service training, which would have been in the Spring 2010, we spent quite a bit of time. The training lasted several hours for the officers to get acquainted; they could bring their laptops into the training academy when they went through the training. We also had state radio very involved with that training.

Representative Klein: Is your entire fleet equipped with this equipment?

James Prochniak: Yes they are.

Testimony continued.

Representative Klein: Colonel, the K-9 teams; do you have 3 or 5?

James Prochniak: We have 9 K-9 officers strategically located throughout the state.

Testimony continued.

Representative Klein: An example of this fixed asset; what are we referring to?

James Prochniak: When we're talking about the Fixed Asset Tracking System, that is an internal tracking mechanism or inventory system, that our agency; not only uses for purchases under \$5,000.00; but any purchases that would qualify for entry into the Peoplesoft system. In other words, over \$5,000.00. It allows for us to do a better and balances of the equipment needed; for example, officers on the road and some of the smaller purchases.

Testimony continued.

Chairman Thoreson: Could you give us a quick overview about the CVIEW.

James Prochniak: The study is complete for the CVIEW system. What's been indicated, not only through input of the motor carrier industry; but through federal motor carrier and

our partners in the DOT side, is that the system would involve not only bringing us into another aspect of enforcement it would also involve some capital investment to be able to screen those motor carriers that come into our state. The capital investment would involve not only the technological aspect but a consideration to have some staff at a scale facility on the interstate to meet the number of truck count or activity level that is needed for a vendor to come in and provide that service for us. Director Ziegler and myself have signed off and sent it to motor carrier and they accepted the document. It serves as a blueprint now should we move forward with some of those aspects of CVIEW.

Chairman Thoreson: Is that a document that is available to the committee?

James Prochniak: We certainly have copies of that document and we will forward them to you.

Representative Kroeber: On your weigh stations; where are you at? Are any of them being used full time or are they all part time?

James Prochniak: They are part time whenever we can get in there to work those. They are not permanently staffed; we don't have employees regularly scheduled at those.

Representative Kroeber: Are the most active still the ones on the border?

James Prochniak: I-29 is our most active along with the West Fargo site; and of course, the facility up in the Williston area with oil impact and the activity taking place up there.

Testimony continued.

Chairman Thoreson: Are we still doing the security here on the capitol site or are we now housing that off site?

James Prochniak: The security we have on site; the people that you see walking the halls, that's the physical presence. As far as the actual monitoring, we do have some base systems here but the actual cameras; that is off site. Currently, we have a temporary location at our law enforcement training academy.

Chairman Thoreson: So that center that was here in the capitol that's no longer in use?

James Prochniak: That's correct.

Chairman Thoreson: Along the lines of what happened a couple of days ago here on the capitol grounds; how was that impacted by the security?

James Prochniak: We did lose our camera and video monitoring system. It had far reaching impacts; the computer aided dispatch it affected that communication aspect to the officers out on the road.

Chairman Thoreson: So those vehicles that were out there were not being watched at the same level as normal during that time?

James Prochniak: That's correct.

Representative Dahl: I think in some other budget there's been a proposal to upgrade the state's radio communication system. Does that impact your communications or is that a separate upgrade?

James Prochniak: That can have an impact on us; and a positive one at that. In simplistic terms you have a number of towers not unlike a cell phone communication. If you're in an area where there's inadequate tower coverage, the same applies to the state proposal. It makes it difficult at times for our officers to communicate. It's not quite as much an issue in the car because that radio system has more power; but, more so when they're on their portable radios outside of their patrol unit.

Testimony continued.

Representative Dahl: With the military facilities in Bismarck, are there no other alternatives available in terms of the shooting range or vehicle course? Any of those a viable option?

James Prochniak: I think the best way to answer that is, at times we do partner with our military counterpart when it comes to some training or response to national disasters. But, there's a fine line between a military officer and a uniformed officer; and when you combine those, sometimes that partnership doesn't work out in everybody's best interest.

Representative Klein: The location of the property you were referring to; where's that located?

James Prochniak: That's a 28 acre parcel located on the east side of Bismarck; just south of the current landfill.

Chairman Thoreson: So it's not something that's going to be developed any time soon?

James Prochniak: That's correct it's sitting idle right now.

Testimony continued

Representative Klein: With all of these people coming into the state and out of state licenses; I understand that if a person takes a job and works here for so long he's supposed to change his license or get a permit. Is that part of your enforcement operation?

James Prochniak: It is part of the enforcement operation; and we can issue those temporary permits to those employees that come into our state. The current mechanism, which is a sticker that's placed in a window; and the logistics behind that certainly present some challenges from the enforcement side. Namely, just being able to identify it. We've also worked with the DOT in a mass mailing to the oil industry to advise them of our current law when it comes to temporary registration. And we've also made it easier for an online application of that registration process.

The other thing that should be noted when it comes to being enforced on the road; it isn't a primary traffic stop. We can't just stop somebody for an out of state plate.

Representative Klein: How come no one is checking on them and enforcing the rules?

James Prochniak: I can say that when our officers receive a complaint about what you just alluded to; we will follow up on site often times to those areas.

Representative Klein: Those permits, are they temporary? Is there a fee?

James Prochniak: There is absolutely fee and it's prorated; in what we're trying to do working with DOT in the proposed legislation, is trying to stream line that. In the old method we could do it month by month. We want to simplify the fee process.

Representative Dahl: If someone from the sheriff's office pulls over a vehicle for some other offense; but, thinks that they might be over the size and weight limitation for that road, how is that handled?

James Prochniak: In that example we would certainly respond to the scene; take a look at what the deputy is concerned about. We have units with portable scales inside of their patrol vehicle and they can have the truck in question pull up on those scales; and we can weigh them to determine if they're overloaded or not.

Representative Dahl: Has there been any discussion about allowing city officers or other officers; so, we don't have to have a state trooper respond?

James Prochniak: By statute, the law talks about our authority when it comes to weight and size enforcement. It is within the law that other law enforcement can establish a truck enforcement unit. When it comes to training, they often ask for assistance there.

Testimony continued.

Representative Glassheim: Would you have a guesstimate about other financial impacts on your agency because of the oil boom?

James Prochniak: I can make a couple of general comments associated with that; I don't specifics as to the overall cost. At the end of October/early November we started to see officers deny the request to come out and work overtime. The impact is more of an officer burnout issue. The other impact would be the increase in motorists.

Testimony continued.

Chairman Thoreson: When you say the current repeater technology is no longer adequate; how old is that technology?

Dave Kleppe, Support Services Commander, North Dakota Highway Patrol: The technology is actually many years old. It's analog technology; when we upgraded our vehicle equipment in 2005, that was the only technology available for that component. The main mobile radio has digital capabilities; but the repeater portion of it is still analog.

Chairman Thoreson: So your running digital through an analog repeater?

Dave Kleppe: That's correct.

Chairman Thoreson: How does that work? How are able to accomplish that?

Dave Kleppe: The standard that exists in the nation for public safety communications, we refer to it as APCO25, has an analog component. The digital radios have an analog side to them; that's the portion that's using the repeater technology.

Chairman Thoreson: So their running parallel communication when they're running digital and analog when they're broadcasting or receiving?

Dave Kleppe: I believe it's either or; the system has digital capabilities in some channels that are programmed up to transmit on digital. Our officer's when they use their portable radio, that's just analog traffic that goes from that portable radio through the repeater; and it's converted in that radio system to digital as necessary.

Chairman Thoreson: But the repeater itself receives the signal and understands which to use. They don't have to manually switch between digital and analog?

Dave Kleppe: That is correct.

Representative Klein: So this new system would make everything digital?

Dave Kleppe: Potentially. The portable radios would be digital; that would be a big help. Depending on how the procurement would go and the technology available, I don't know specifically how that would work. The new repeater technology is better than the old technology and it would provide for more digital communications.

James Prochniak continued with his testimony.

Chairman Thoreson: In your original budget request it showed a reduction of 3 FTE's; we now see an increase of 3 FTE's. Where did the changes come from to get us to that point?

James Prochniak: The reduction is always that pull out. It's a reporting mechanism of how it comes out.

Chairman Thoreson: When you came up this reduction of 3, did you identify positions; if this would have been necessary, to eliminate?

James Prochniak: Should that not have been replaced, and if we would have had to identify, we would not have tried to do that through relieving somebody of any duty.

Representative Glassheim: The Governor requested a reduction of 3%?

Tad Torgerson, Office of Management and Budget: It was to meet the request of the Governor for the hold even budget.

Tom Balzer, North Dakota Motor Carrier Association: With the business we're in we have a close working relationship with the highway patrol. I would like to go on record to make the committee aware that the increase in the 3 FTE's for the size and weight enforcement; is something that the industry does support. It's something that's needed. With the increase in traffic that's going on throughout the state, and the impact that's going on to the infrastructure, that that's a necessary component. The trucking industry pays for about 48% of the fees paid to the highway fund. The request about the radios; the fact that we have troopers out there in very tense situations, unable to have communication with their main tower is tragic. We have an opportunity to fix that situation before something does happen to a trooper.

Chairman Thoreson: In the colonel's testimony he references the big jump in the e-permitting; is that something that you've been working with them on?

Tom Balzer: I'm proud to say that we are working with them on a bill that will come before you that will expand that opportunity in the state.

Chairman Thoreson: Has that bill been submitted yet?

Tom Balzer: It has not.

Chairman Thoreson: It's on the senate side?

Tom Balzer: Yes, it is.

Chairman Thoreson: When that's submitted, can you provide us with the bill number?

Tom Balzer: Yes, I can.

Representative Brandenburg: What kind of precautions are being taken about legal loads?

Tom Balzer: I think that that is what you're seeing in their optional adjustment is the need to increase enforcement. The only way to catch people that are running illegal is to weigh the trucks on the road. That's the purpose of the optional adjustment.

Representative Klein: When you stop a truck then you have traffic stopped behind it?

James Prochniak: We've identified several areas in working with the DOT and Director Ziegler, he's identified a priority to establish truck pull out areas.

Representative Glassheim: In the budget, we the special funds transfer; could you speak to what that is. Also, you have the estimated income of about \$10.8 million. Could you explain where the income comes from?

James Prochniak: I would be glad to get that information for you.


2011 HOUSE STANDING COMMITTEE MINUTES

House Appropriations Government Operations Division
Medora Room, State Capitol

HB1011
February 3, 2011
Recorder Job# 13912

☐ Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

A Bill for an Act to provide an appropriation for defraying the expenses of the highway patrol.

Minutes:

Chairman Thoreson opened the hearing on HB1011.

James Prochniak, Colonel, North Dakota Highway Patrol: See attached testimony 1011.2.3.11A.

Chairman Thoreson: What types of limitations are there because of that?

James Prochniak: No rifles or smaller caliber rifles, if we have to shoot those, the hours of the day becomes a concern; particularly, their hours of concern is hours of the day, during hours of dropping or picking up the students or lunch hours. The other concern is the traffic that comes even in the evening hours; parent teacher conference, whatever they may have where there's traffic coming in and out of that school facility. We also do night firing, night shooting; so, we make requests to go and shoot in the evening. We're trying to schedule that around the school. We don't think it's an ideal environment for either party.

Representative Kempenich: Who was there first?

James Prochniak: I don't have that information. The range is not ours it is the state penitentiary's range; so I don't have that information.

Representative Klein: Is there any other range other? Is there anything up at BSC or than the National Guard?

James Prochniak: There are a couple of different range options and that was alluded to in my initial testimony. The range at the Bismarck PD is a very small range; a couple of lanes. In order to offer the opportunity to have an entire basic class going there and certify; the difficulties surrounding that are pretty tough. The other situation that arises if we try to use a National Guard indoor range; the current ammunition that we carry and certify with, is frangible round that ricochets inside. We've had situations where blow back from the

bullets hit our officer's; so we've suspended use of the National Guard range for safety concerns. The other issue, similar to the Bismarck one, is the National Guard range is very small; just a couple of lanes. So, the other option we do is, the local gun club has a range; we have to rent that and the scheduling difficulties are something we have to navigate around.

Representative Glassheim: How many people would be using this in a year or at a particular time? Does the prison still use it as well?

James Prochniak: The prison does still does use that facility. As far as how many people use it from a training standpoint; it's best answered that we run either 3 or 4, if scheduling permits, basic courses a year. This doesn't include any highway patrol academy classes; that would be included in a yearly total. Those classes, on average, range from what we have currently; which is about a dozen, all the way up to our largest class, which are well over 30 officers. At any one time, they're taking care of that just from a peace officer license standpoint in a year. Now the ongoing training and certification that you must have to carry the fire arm; it's by post board standards that each officer in the state, a sworn police officer, must pass annual certification. You must have, according to agency policy, a certain number of shoots per year. To get you that exact number, I would say just on our agency alone is thousands and thousands of rounds of shooting that we end up doing.

Recording malfunction.

Representative Dahl: Have you done an analysis of if you were to just do the shooting range what that might cost if we don't do both? Do you have a breakdown or options within that option; that if you just do the course and just do the range what that might cost?

James Prochniak: We have some preliminary information which is a grand scale design and taking a look at some of the infrastructure needs at that site. I would have to think if that had a breakdown of that facility as opposed to the track or a combination. I think there is some reference to that; those are some high level numbers. We can certainly provide that information to you.

Chairman Thoreson: I do want to add for the record, we are working on HB1011; however, because of what the appropriations committee introduced, this is also concerning HB1350. So both bills are being worked on at the same time.

Testimony continued.

Representative Klein: Your training facility is up by BSC; that's at one end of the campus at BSC.

James Prochniak: That's correct. The physical structure; the academy itself, the building is on the campus.

Testimony continued.

Representative Klein: You have to go back into the vehicle to transpond between the digital to the other system?

James Prochniak: That's correct. You can hear at the end state radio's response. They could not hear what he was dealing with; these individuals were under the influence, so there were some difficulties in trying to communicate with them. The officer didn't have time to walk away from that scene and jump inside the car and use the radio inside the car.

Testimony continued.

Chairman Thoreson: That wasn't the construction zone in Fargo?

James Prochniak: You're correct.

Chairman Thoreson: It's not the guy who drove through the concrete, is it?

James Prochniak: No, that one is not.

Testimony continued.

Representative Klein: A breakout was requested between the costs for range and driving course; you said you had general information.

James Prochniak: That's correct. We did ask for the services of an architectural firm. We worked with the Office of Management and Budget and the state architect in putting together some preliminary figures to come up with the amounts we inserted into the budget. They're very rough figures which we can get those to you.

Representative Glassheim: There must be some kind of breakdown; it's a \$4 million plus total.

James Prochniak: Taking a look at offsite costs; which some of which I have referenced to Representative Dahl's question. Water mains, storm sewer, electrical and gas have a breakdown of \$210,000.00. Site development costs; we would have to deal with some septic and drain issues, they incorporate landscape erosion, utilities, concrete paving; roughly over \$2.5 million. The training building or the shooting range portion; their building is more of a grand scale than what we requested in our executive budget, they list at \$2.8 million.

Representative Glassheim: Is the land being donated or is that a cost as well?

James Prochniak: That land is voted by the city commission to be donated to the highway patrol as long as the development on that property falls under the parameters of using it for law enforcement first responder training. All law enforcement in the state would be able to use this. .

Representative Kroeber: Can there be other things developed around it; so again, you're going to have a problem later? Is it big enough where that can't occur or won't be a problem?

James Prochniak: The development around that property would not only fit the needs that we're looking at; the city has gone above and beyond in checking with the area neighbors, not just if they were in a housing area; but also if there's any commercial development. They're very comfortable that the City of Bismarck took the lead on that. They had been looking at this land for that purpose in development for nearly 10 years. It's nearly 30 acres of land; so, it provides for enough space around there that it prevents an issue like we have with school.

Representative Klein: Is this the area you're talking about by the landfill? Is that city property you're looking at?

James Prochniak: That's correct. It's a little bit south and east of the landfill. The property runs more north and south than east and west.

Representative Kempenich: What I wanted to find out is how many people have gone through the training academy in the last biennium?

James Prochniak: We do have record of that; I don't have the exact number. I think 800-870 was an amount. I'll certainly get that number to you.

Representative Kempenich: On your field operations, you've had about 5 patrol officers open varying lengths of time. How have you been handling the roll up dollars on salaries? Is that part of the carry over? I was wondering what you had in mind going forward with these officers.

James Prochniak: The vacancies that we currently have; it's been the history of the highway patrol that it's difficult to start a class until we have a certain level of vacancies. The hiring process alone takes 6 months. We are currently in that hiring process to fill those vacancies. What we generally do is we utilize some of those dollars and cost savings; particularly for the step program when it comes to various adjustments in officer pay.

Representative Kempenich: I'd like to have that to see where we're at. Where are you losing most of your officers; is to the counties or are they just quitting? It's been an ongoing problem to where we've made adjustments. I'd like a schedule of troopers and sergeants; I'm not so worried about the higher end of things; just a breakdown of where we're at.

James Prochniak: We certainly have that breakdown; we'll provide that to you. It will be adjustments we've made, not only over the past sessions; but, in particular, the last equity adjustment in trying to address that need. To answer where we're losing some of our officers; that challenge is not isolated to the highway patrol. Right now we have a couple of officers that are considering going into the trucking business and another to probation and parole. We're approaching 10 officers and that's quite a void on the road. The strides our agency has been allowed to make when it comes to other equity dollars or the legislative

increases have been very well received and appreciated. I think that some of the challenges; we understand the need to have officers stationed in rural communities. Our officers are not immune to the housing challenges in the western part of the state.

Representative Klein: I'm looking at your grants line. We're those specifically for one purpose? How does that work?

James Prochniak: Some of the grants lines you're looking at covers a myriad of items. For example, that may be a matching grant that we utilize for funneling through DOT for radar equipment, it may also be some of the federal dollars that we tie into our MCSAP Program or Motor Carrier Assistance Program.

Representative Klein: So it wasn't for one particular area?

James Prochniak: No, it wasn't; alcohol funding money is another item that chews up a lot of those dollars.

Representative Kempenich: The MCSAP money; is there any incentive to have civilians to help instead of just officers?

James Prochniak: To utilize some of the civilian staff; currently, we have some auditors, a Border Inspection Patrol that works in close proximity to the Canadian line. The rest of our civilian staff are few and far between; and they have become inspectors. If they fall under the MCSAP dollars, weighing vehicles is not part of the MCSAP program; so the portable weighing that we conduct, falls under the motor carrier officer portion. That's part of our normal enforcement package. The MCSAP officers are dealing more with the federal enforcement guidelines, driver inspections, vehicle inspections and making sure the mechanics are safe when it comes to the operation of those vehicles. They can weigh, but if they do weigh, then we take them off of the MCSAP Program, put them onto state dollars and cover that through state funds.

Representative Kempenich: How stable is that MCSAP money?

James Prochniak: We have no indication to the agency that the program is unstable. I believe in visiting the Jeff Jensen from federal motor carrier that the program is still very sound.

Representative Kempenich: I've talked with the motor carriers and it sounds like federal motor carriers have some more requirements coming. Do you have a breakdown as far as MCSAP hours versus state hours?

James Prochniak: We do have a breakdown and that's the request in the optional package. We have a minimum goal for those officers that at least 50% of their operations is strictly towards motor carrier work. I wanted to add that the additional officers we've requested to protect the infrastructure in oil country; we're going to take a little different approach, particularly with those 3 officers, and request nearly 100% of their time is strictly devoted to weights and measures enforcement.

Representative Kempenich: We got into it with the aeronautics commission and DOT; what I'd like to do is that 206, do you have operational hours, maintenance and what we're doing with that?

James Prochniak: We can certainly forward that information. We require not only an annual report on the hours; but service records, etc. We use to have a tactical response unit. We changed our mission there; and our mission for that specific group of officers that qualify for that team, is more of a search and rescue mission. The request of our aircraft when it comes to looking for either wanted individuals, people in pursuits, people that may wander away from nursing homes, lost children, etc; they're growing accustomed to calling for our plane. We have very quick response with that equipment.

Representative Kempenich: The aeronautics commission came in looking for a Caravan. We have 4 aged aircraft and what we're looking at is getting some type of utility type. I'm trying to get a picture of the aircraft in the state. I'm thinking about trying to replace 4 planes and replace them with 2 Caravan type planes; and try to figure out where we're at with usage.

James Prochniak: We'll certainly get that information to you on that.

Representative Glassheim: I'm looking at HB1011 and there's one line on item 12 is law enforcement training academy; which has gone from \$1.5 million to adding \$4.2 million. That's not construction for any of the things you want is it? That's just for operating the academy; and if that's so, why the large increase for the next biennium?

James Prochniak: That adjustment or enhancement is in addition to the base level. That \$4.1 million is the estimate for the driving pad and an extra facility out east that we were referencing earlier.

Representative Glassheim: So that \$4.2 is for the pad and shooting range?

James Prochniak: That's the best preliminary figure we could submit at the time this budget was prepared.

Representative Glassheim: On the next page, as a one time expense, we \$4.09 million. Is that the same activity?

James Prochniak: That's correct.

Representative Glassheim: I think I heard you say before that approximately \$2.5 million was for the site; and approximately \$2.8 million was for the range. That's \$5.3 million and this is \$4.1 million. If you could help me understand?

James Prochniak: The study that I'm referring to is referred to as a master plan. That master plan not only representatives from law enforcement; but, fire officials and city officials were all getting together and coming up with what suits everybody's needs. This doesn't get down to the brass tax; and what we're looking for specifically in this budget.

This is taking everybody's considerations and it's a high level plan; then we start to pair that down and looking into this further.

Representative Glassheim: My other law enforcement folks can participate in this additionally; either in fees or original construction? Are you saying the \$4.1 million should do it for everybody concerned?

James Prochniak: We are not looking at any other contribution from the law enforcement community. We're looking at this as part of the extended training package that the highway patrol is responsible for; and that's why we're seeking that in our appropriation.

Representative Glassheim: Can you help me with the estimated income. You have about \$12 million of income. Roughly, where does that come from?

James Prochniak: I think that question came up in the initial one. We've provided some additional documentation. I think the wording is a little misleading as actual income. A large portion of that does have to do with our MCSAP Program and any dollars tied into that. There are some pass through dollars that are tied in with DOT; but, it is certainly not an income that we take in.

Representative Kempenich: The operating expenses on field operations; I'm guessing that most of that's cars and fuel? How are you building this next budget with field operations?

James Prochniak: The dollars or lease rate that we're looking at for our next biennium have certainly changed from the 2009-2011 expenditures. We're getting information from DOT to plan for a lease rate of \$.61 as opposed to; I think last session we were going for a higher amount than that. Where we're sitting now is far as the operating expenses; a lot of that has to do with the cars and equipment.

Representative Kempenich: That's all state fleet?

James Prochniak: That's correct. If memory serves correctly, even though I wasn't involved in that process; there was some indication by DOT, a recommendation to go for \$.70 and it ended up at \$.64.

Representative Kempenich: Do you have any rollup dollars?

James Prochniak: Currently, our lease rate is not at that threshold; so, there have been some rollup dollars. We want to make a commitment as high as \$350,000.00 turn back. Much of that's due to that savings. Right on the heels of 2009, when I took this position, we had quite a spike in our fatality rate. I instructed the staff and commanders in the field; we put together a couple of overtime programs to address that need. Secondly, we went into quite a media and educational campaign encouraging people to get cabs. All of that we used from some of those savings dollars.

Representative Kempenich: I know we're seeing more vehicles from out of state, in my part of the state, that don't know how to drive in the winter.

James Prochniak: Our officers will make the comment that you just did; that we are seeing those drivers and they don't know how to handle the road conditions. Some of these storm systems and road closures with people in the ditch were North Dakotans.

Representative Kempenich: Do you have the statistics for drivers?

James Prochniak: What we have figured out is that it's cyclical; and it was a rough year. We started to see the real impact of the activity that's occurring, roads that maybe can't handle that level of traffic. A learning curve is involved also; and we think that we've been able through some of our presentations get people thinking about their driving behavior. We had an unusual amount of multi fatal crashes; in other words, more than one death. Whenever that happens, that quickly escalates that count.

Representative Brandenburg: Are you seeing where a lot of trucks along the side of the road? Is that a problem or just a rare occurrence?

James Prochniak: The weather we've been experiencing with sub-below temperatures; I would agree with your comment that you see a lot of trucks with southern plates that are not prepared for that. It can be a problem; I can't say that it's lead to some of the issues of recent where we're dealing with road closures or road blockage. We do get concerned calls, not only from DOT, but from motorists if that vehicle is out there for an extended period. It's not uncommon.

Representative Klein: One question on your digital radio equipment upgrade. Have you coordinated that with ITD so that you've got a good handle on this thing? Have you researched that to the point where feel comfortable with spending that amount of money?

James Prochniak: We have looked at a couple different proposals. Both of those proposals have convinced us that this is the route to go; this would take care of our problem. We're comfortable with that number and that it would support that upgrade.

Chairman Thoreson: Mr. Ressler, when talking about going to digital, is this something you worked with in this case or other agencies? Throughout the budgets, we understand, any time communication involved we're talking about moving over to digital communications; anything from the handheld cellular device to everything else. I'm trying to get a sense of where we are with this amongst all the agencies and what interactions have taken place with ITD when going into this process?

Mike Ressler, Deputy CIO, North Dakota Information Technology Department: We have been involved heavily with the agencies that are moving in this direction. State radio has really been driving that initiative. We've been at the table with them.

Chairman Thoreson: When you say law enforcement does this include city and county? Where are we at so that all the agencies have some kind of communication?

Mike Ressler: I don't know where we are in the state as a whole; but it does include all law enforcement at all levels. I did sit on the Adjutant General's advisory committee when General Haugen was here. At that time, we were receiving Homeland Security money;

80% went to the community, 20% came to the state. Most of the local organizations were using those dollars to upgrade their analog radios to digital.

Representative Klein: Does this whole thing tie together with the adjutant general and the new towers going up; and it's going in the direction that you feel comfortable with?

Mike Ressler: I believe so. I'm really not that close to it. I do know that the state of North Dakota is by no means leading the pack. There's other states that are much further ahead than we are; and so I think we've been cautious in deploying. Primarily, because we want to make sure the technology is somewhat mature before we deploy. Yes, the state radio towers that are being put in; the concept is all this is going to work together.

Representative Klein: Are you also tied in with the 911 answering systems and you're familiar with what goes on there?

Mike Ressler: I'm one of the committee of the 4 committee members on that enhanced 911. We're watching this very closely.

Representative Klein: There's so much going on in this whole communications system; but you've been involved and feel comfortable?

Mike Ressler: We definitely been involved and I know there's even a lot more money being spent at the local level.

Chairman Thoreson: We're trying to make sure everyone is communicating when it comes to communication.

Mike Ressler: In North Dakota we are doing much better than most other states. Primarily, because we do talk to each other.

Representative Kempenich: How deep do you go into the counties? Is that the same board that involves the counties? Is that getting more integrated so that they can communicate across the state?

Mike Ressler: I'm the new comer into this enhanced 911 committee. When I sit on the adjutant General's advisory committee it really is the local communities.

Representative Brandenburg: I know I hear some feedback from the people out there working with the ambulance and those types of things. What's happening there; it seems in the last few years a lot has changed.

Mike Ressler: There's a lot of conversation around frequencies. Different communities have frequencies for different things and I can't really speak to that. It's coordinating what frequencies are going to be used for what. The technology is always a challenge; but I believe it isn't so much the technology that I'm hearing the complaints about today as much as it process and frequency control.

James Prochniak: I wanted to provide a brief additional comment regarding towers. That certainly is a benefit to our agency when it comes to communication.

Representative Klein: That figure hasn't changed since it started that's stayed the same?

James Prochniak: The percentage has always been very close.

Chairman Thoreson: In the current biennium the total coming from that fund is \$4.5 million and the executive recommendation is for \$5.6 million; that's about a 23% increase from that fund to go into operations for the highway patrol.

Chairman Thoreson: The per diem would be at \$200.00 per month is that correct?

James Prochniak: That's correct.

Representative Dahl: On the assets forfeiture fund; how much is derived each biennium?

James Prochniak: That fund it ebb and flows; it fluctuates based on seizures that we encounter on the road. Whether that be cash seizures, seizures of vehicles and a sale from that. The best way to understand that is if we come across \$50,000.00 on the road in a cash seizure, the highway patrol doesn't get that entire fund. We work with BCI and there's a formula that is applied; so we only get a portion of that. Secondly, the asset forfeiture fund and where we're sitting is roughly \$10,000.00. We currently have a couple of cases in which that fund would increase; not by a lot, maybe double at the most.

Chairman Thoreson: Could you perhaps get us a breakdown of that information for the committee?

James Prochniak: It would be very easy to get that.

Chairman Thoreson closed the hearing.

2011 General Discussion

(Check appropriate box)

- ☐ Committee on Committees
- ☐ Rules Committee
- ☐ Confirmation Hearings
- ☐ Delayed Bills Committee
- ☒ House Appropriations
- ☐ Senate Appropriations
- ☐ Other

Government Operations

Date of meeting/discussion: February 11, 2011

Recorder Job Number: 14408

Committee Clerk Signature



Minutes:

Chairman Thoreson opened the general discussion on HB1011 and HB1350.

Representative Kempenich: This budget has been an ongoing discussion; \$.64 cents was indicated this biennium, they're proposing \$.61 for state fleet for this next bienniums' budget. It's something we're going to have to talk about.

Chairman Thoreson: This is the impact if you were going to reduce it down? Brady, maybe you can explain. The number at the top is \$77,836.00; those 3 breakdowns, there's field operations what's the 2 smaller numbers below that?

Brady Larson, North Dakota Legislative Council: With the highway patrol appropriation bill is a little bit unique in the fact that it's based on program line items. It's based on the 3 line items for field operation, administration, and the law enforcement training academy. In some bills where you have operating expenses on one line; in this case, the mileage rates effect all 3 program line items. An adjustment has to be made to all 3 of the line items to account for any changes in mileage rates.

Representative Klein: So that \$76,000 is the increase at \$.64 per mile from the previous?

Brady Larson: What this amount shows for the \$77,836.00, is what's a one change in the state fleet mileage rates; what effect that would have on the highway patrol budget.

Representative Kempenich: The escalating factor too isn't only what the mile rate is; but it's how many miles you're basing that on. That's what happened last session, they started out at \$.68; not so much all state fleet, there were a lot of conference committees last session, and we dropped it \$.04 but it effects a lot more than the mileage rate coming off state fleet. Maybe we should get the average usage for the last 4 years.

Representative Klein: What are you suggesting the rate we use?

Representative Kempenich: I'm not suggesting anything right now.

Representative Klein: You're saying they're at \$.64?

Representative Kempenich: They're budgeted for \$.61; but, I don't what mileage that is.

Representative Kroeber: Do all departments basically use the same mileage figure in all the budgets when they come in and present them to the Governor and the Governor approves them or do different agencies use different numbers?

Tad Torgerson, Office of Management and Budget: The fleet services sends out a schedule in the spring and before the budget process that has a list of all the different kinds of vehicles and what the recommendation is for the mileage rates for different classes of vehicles. The highway patrol has a separate category on that schedule for their patrol cars. The agencies use that to base their travel budget for.

Representative Klein: Representative Kroeber, I suppose because they have more idle time on their vehicles, that it changes. I would imagine also, like the experiment stations with various trucks add different things, so I could understand where some of them need different mileage.

Representative Kempenich: Some of these that don't get a lot of miles, they operate on a different schedule. There's different rates for different vehicles. The patrol has 2 different classifications in there also; they have their suv's and their sedans.

Representative Brandenburg: If I understand this right, the highway patrol their mileage is ongoing because they can't just stop driving if they run out. It's different than another agency because if they're out patrolling and run out of gas, they can't stop and sit along the road.

Representative Kempenich: There was a question, there's \$12 million out of DOT money; I don't know if we should put some language in there about protecting the roads.

Representative Klein: Didn't some of that come about when highway patrol was helping out with the weights; when they closed that division and shifted some of that responsibility?

Representative Kempenich: That's exactly what it was. They've really shifted the weight enforcement; the weight enforcement has taken on a different outlook. You look at their budget and MCSAP for federal motor carriers and safety money; they're really focusing on the inspection than they are on the weight road protection part. I think we should have Colonel Prochniak; probably get him on the record a little more about what their priorities are with this weight enforcement.

Chairman Thoreson closed the discussion.

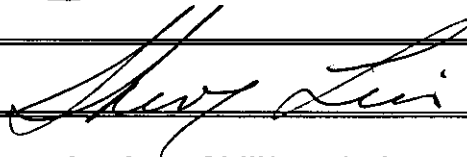
2011 HOUSE STANDING COMMITTEE MINUTES

House Appropriations Government Operations Division
Medora Room, State Capitol

HB1011
February 14, 2011
Recorder Job# 14478

☐ Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

A Bill for an Act to provide an appropriation for defraying the expenses of the highway patrol.

Minutes:

Chairman Thoreson opened the meeting on HB1011 and HB1350.

It was noted that all members were present for the meeting.

Representative Kempenich: We received some information on the spending part of this budget and at that time it was indicated that the patrol was using \$.61 for fleet. I had a sheet that showed what each cent represented for the patrol. I'd like to have the patrol address how they come up with that \$.61.

James Prochniak, Colonel, North Dakota Highway Patrol: The response for the \$.61 is determined by DOT and our lease back amount. Essentially, they inform us what our lease is going to be and aside from the mileage; which we have a certain amount of control over but also our crashes and maintenance of vehicles which we try to address through policy measures those are all factored into that lease rate. The bottom line is we don't have a lot of say over what that lease rate is and what they suggest to come back at.

Representative Kempenich: The problem we're running into is last biennium's budget and then this biennium's budget. How many miles do you average?

James Prochniak: We base the budget off of a 2,350 miles per month per officer. It was changed about 3 years ago on the turnback on our cars; in other words for that lease and we give them back to DOT. That was increased in an effort to keep that lease rate down and we went from a 36 month cycle on our patrol vehicles to a 42 month cycle. We end up seeing some vehicles coming in at higher mileage; but, it hasn't presented a problem for us.

Representative Kempenich: Is that blended into this rate or is that a different rate?

James Prochniak: That includes all the vehicles that we utilize; so they don't change that rate or break it down for different types of vehicles.

Representative Kempenich: LETA is that the DOT money? What money is that?

James Prochniak: If you're referring to the breakdown of the three; that's how our budget is a program base so law enforcement training academy and the vehicles that are utilized there, not only by the officers on staff, then we have emergency vehicle operations cars that the classes and recruits utilize; so that's part of that pool.

Representative Kempenich: The DOT money, how much went to the road, how much was for operating. The question is, do you focus that money to go to road protection? How do you spend that money?

James Prochniak: If I'm understanding the question correctly, are you referring to the money and how we turn that around as far as field use? Specifically, towards the lease rate?

Representative Kempenich: There's \$12 million from DOT that's going to the patrol out of the highway distribution fund or aren't you getting that much? Some of the leadership was asking how that money was getting used as far as focusing towards road protection.

James Prochniak: As far as the actual breakdown in special funds or state funds and the \$12 million. To get to that amount the 13% of the \$43,892,000.00 would give us the dollar amount and that might have been the \$12 million that you're referencing. We would need to get that information for you.

Representative Kempenich: You're doing the same kind of thing with the MCSAP money and the comment was made wondering if that's the focus or is it spread across the system?

James Prochniak: Some of those MCSAP hours aren't only driven up by the lion's share of the MCSAP officers; but there are some of those hours that are driven up by traffic troopers, they're qualified to do a certain level of inspection. When they are doing that on a daily routine or not they'll log those hours; even though they're minimal compared to those MCSAP specific officers. When it comes to the motor carrier portion where we think of weighing on the side of the road or truck enforcement on the side of the road, those motor carrier officers are mostly involved in the state hours and not MCSAP hours. Although, they can do the same example that I talked about with our traffic troopers. It's important to mention it's a totally enforcement package and making sure those MCSAP officers are doing the inspections on site; that all leads to a safer driver on the road.

Representative Kempenich: You're not auditing someone on the road, you're coming into their place of business. When you do that, what do you usually find? You usually work with them trying to get them more in compliance?

James Prochniak: That's a very good snapshot of what they try to accomplish. For a lot of the larger companies that can afford to hire a safety officer, we end up working very closely with them. A lot of them have no reported findings when they do the audit.

Representative Kempenich: Have the weight and motion scales been working?

James Prochniak: You're correct that the basically a screening device. We have some challenges that are obvious. The technology does continue to improve.

Representative Kempenich: What do you have in mind for those permanent scales?

James Prochniak: This past biennium we received \$100,000.00 to do some capital improvements to scale locations. We plan to continue utilizing those structures; although, not staffing them on a regular basis, we want to keep those platforms functional. We also hear, not only from the motor carrier industry, but from the agriculture industry the importance of having those scales operational. We've gone to a display system of the weights outside the window. Maintenance on the platforms is the most costly portion of them.

Representative Dahl: Could you repeat what the reimbursement rate is for the leasing of those vehicles?

James Prochniak: We're currently at \$.54. We should be getting a new one at the beginning of March and we'll find out if there's any change.

Representative Dahl: You said that rate is somewhat non-negotiable? Is that what you indicated?

James Prochniak: That is correct. It's based off the market; what fuel prices are sitting at, what our vehicles when they're turned back, the return investment when it comes to auction, how damaged are the vehicles, that's all factored in to what we ultimately pay.

Representative Dahl: It looks like you still have a fair amount in your operating expenses; there's a \$3 million mark that's at the top and further broken down. Why is that still so high?

James Prochniak: There's still a lot of payments that haven't gone out when it comes to our operating expenses. The other issue is that we anticipate that we will have a payback when it comes to mileage. Since we're a program based budget, there is some flexibility; we use some of those dollars in our STEP program.

Representative Dahl: Of that \$3 million, what do you expect that you'll spend for actual operating expenses? Of that \$3 million what dollars are going to other programs?

James Prochniak: I don't have the amount that we would use to the very end. Some of that is undetermined. As far as the program, it has to stay within the field operations program. What we end up doing is using it for overtime and safety programs.

Representative Kempenich: That STEP program; do you have percentage or breakdown of that?

James Prochniak: We try to have about a 2% increment between those steps. It is merit based; the supervisors have to sign off and it's based on their performance. Do we have

examples where officers don't get that? Yes. Do they have a chance to get it back? Yes, if their performance measures increase.

Representative Kempenich: What are your benchmarks of where you base performance measures on?

James Prochniak: The premise behind that step program; a 10 year officer is more valuable than a 2 year officer. Experience is invaluable when it comes to wearing a badge; and that's what we were looking at to reward those officers that stay and try to target retention for our agency.

Representative Kempenich: Are we still in a problem area in the west for officers and housing?

James Prochniak: It's a huge challenge for us.

Representative Brandenburg: Dealing with truckers coming in and wanting to buy a permit. Isn't it set up where you can get them faxed to you? Is that being expanded?

James Prochniak: We have recognized and the increased pressure to develop those kinds of systems. In the last year we've upgraded our online site and for online permitting and the number of permits that are available online, it's a very simple process.

Representative Dahl: It looks like we appropriated a little over \$2.2 million for equipment and only about 1/3 has been spent as of December. Why is that balance so high?

James Prochniak: That's based off of our fleet costs and fleet dollars. When it comes to equipping our cars or making a purchase of cars we will take delivery of those cars and equip those cars. We're just getting some of our new cars in; and a lot of that expenditure will be used for things such as that.

Representative Dahl: Just so I understand this, you have your regular salary and wages line, then you have your operating expenses; of which you take overtime out of that?

James Prochniak: Salaries and wages are included in the overtime; that has nothing to do with the operating expenses as far as the equipment is concerned.

Representative Glassheim: Could you give me a brief primer of what you do in a city like Grand Forks? Do you have much interaction with other law enforcement or are you mainly on the roads? How do you operate with cities?

James Prochniak: We typically concentrate our efforts on the federal and state highways. Usually, when we're in the city limits working, it's still on the highway system or networks. If we something that's obvious in the city we'll take enforcement action; but, we don't concentrate our efforts right in the city.

Representative Kempenich: What is the protocol with highway patrol and sheriff's departments?

James Prochniak: It depends on what the circumstances are. If it's an emergency situation, and we have the sheriff asking for our assistance, we're covered to have any kind of police powers and authority to assist them with whatever they're doing; not just highway patrol powers. As far as actual enforcement, typically, we're doing a partnership when we work on a multi agency effort.

Chairman Thoreson: Why are we the highway patrol and not the state patrol?

James Prochniak: In past history when we were developed, we were developed to educate the motorist and to protect the infrastructure; and we've stayed with that limited jurisdiction through the years. It get's touchy if we want to get into state patrol; then there's some out there that think we're making a move towards state police and that concerns them.

Chairman Thoreson recessed the meeting.

2011 HOUSE STANDING COMMITTEE MINUTES

House Appropriations Government Operations Division
Medora Room, State Capitol

HB1011
February 14, 2011
Recorder Job# 14510

☐ Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

A Bill for an Act to provide an appropriation for defraying the expenses of the highway patrol.

Minutes:

Chairman Thoreson continued with the discussion on HB1011 and HB1350.

Representative Kempenich: What we're going to do is #2 on the green sheets, I think we're going to have amendments to pull that out. Number 3, I think is the same way, we're going to leave #4 in. The amendments that I wanted to do is I had \$250,000.00 on some weigh scales that we were going to add back in; that is #5 that we'd stick \$250,000.00 back in.

Representative Klein: That's to do maintenance upkeep on some of the things you talked about this morning?

Representative Kempenich: Yes. On #3, I should add also, there was 2 and when you go to the way the budget was built back in, there were 3 more and leadership in the past has frowned on using FTE's as a budget balancing, but I think we're going to use those 3 also that were an optional budget request.

Chairman Thoreson: So the 3 that have been identified as additions would be removed and then there were 3 that were identified during the budgeting process that would be removed.

Representative Kempenich: Yes. Also, this got started back when we were talking about the aeronautics budget; but, there was a suggestion that we pull the plane and maintenance money, leave the operating money in the DOT budget for operating, and the plane would go into state fleet. There was 1,000 flown with the 5 planes; that doesn't include the patrol. With what we're spending and what the cost per hour is, maintenance cost; we're going to have to have a wider usage on them. So we'd put the patrol's plane in state fleet.

Chairman Thoreson: There are several planes throughout state government and we're looking at centralizing them?

Representative Kempenich: We're centralizing and also upgrading. There's a plane in this budget also; so, we have to identify it and the maintenance money would follow the plane and the operational money would stay with the patrol.

Representative Dahl: May I ask Representative Kempenich how that would work to centralize the airplane when highway patrol would need it. They don't always get to schedule when they're going to be taking these flights. I understand there's some search and rescue which you can't really schedule.

Representative Kempenich: What's being looked is there's requests to buy a new Caravan; we have a 206 which is a smaller version of a Caravan and you have the King Air. The chances that every plane will be in the air at same time is slim and none.

Representative Dahl: Would that priority be set out anywhere?

Representative Kempenich: It would be through the DOT. As was told the other day by DOT; there is someone who would keep tabs on the planes. If it comes down to where the priority is, if it's search and rescue, I'd say that would be a priority. The thing is we have agencies putting money into stuff that isn't justifiable.

Representative Dahl: You mentioned there were 1,000 hours on the highway patrol plane?

Representative Kempenich: The highway patrol plane is a 2007; 900 hours is what's on that one.

Representative Dahl: And what is the cost of maintaining it?

Representative Kempenich: I don't what the operating costs are; on a 206 I'm guessing \$300,000.00 maybe \$400,000.00.

Chairman Thoreson: Is that information that would be available?

James Prochniak, Colonel, North Dakota Highway Patrol: The airplane was purchased for a cost of a little over \$344,000.00. There's also some equipment costs that associated with that plane. Namely, what is a FLIR unit, Forward Looking Infra Red, that unit helps us in the search and rescue missions. It's used for not only night time, but for heat sensing capabilities. That unit had a cost of \$233,000.00; both of those large amounts to include the installation of the FLIR were not state dollars, those were federal asset forfeiture dollars and Homeland Security dollars to purchase that plane. Another point when it comes to that aircraft, and we're currently looking into it, annually and equitable sharing agreement is signed not only by the agency director, myself; but also the Governor. We send that to the federal department of Homeland Security, department of justice. There's some language that directs that plane to be used by a law enforcement agency; so, there's some language in there that's very specific. We'll do some follow up to see what other issues come from that.

Representative Dahl: If you could give us other than the upfront costs, such as fuel, etc.

James Prochniak: I do have a rough amount for the annual cost; it currently costs us approximately \$70,000.00 a year to run that aircraft. That includes the storage, maintenance, fuel, etc.

Representative Glassheim: Where is the plane physically kept?

James Prochniak: Our plane is housed out here in a hanger, it's a shared space, I believe that Game and Fish also has some aircraft in the building near Executive Air at Bismarck Airport. The lease costs for the hanger are about \$650.00 a month.

Representative Glassheim: It's at the Bismarck Airport?

James Prochniak: Yes.

Representative Glassheim: Is it easily reachable by whoever needs to fly it on missions?

James Prochniak: If we received a call right now, we can get that aircraft up, with our 2 pilots in the Bismarck area, within less than 15 minutes; because of the location where they reside. That with the FLIR unit that's mounted on that aircraft, the components inside and the additional computer inside; we've removed some of the seating capacity just to get the equipment inside the plane. It's a very special aircraft.

Representative Glassheim: When it's not in use, is there any cost of maintenance? Does it depreciate while not being used?

James Prochniak: The storage costs will be ongoing, insurance, the two pilots are cross trained and sworn troopers. As far as ongoing when it's not used, we try to market that aircraft for use of whether it's the flood that coming up or any other kind of training we may be able to offer some of the local sheriff's offices.

Chairman Thoreson: In regards to the FLIR unit, is that something that could easily be removed from this aircraft and put into another one? I'm trying to gauge if there were a new aircraft put in use, what kind of timeframe or effort would it take to move that? What kind of maintenance is there for that kind of unit?

James Prochniak: I don't have an answer as far as maintenance costs; we obviously have insurance to cover some of that. I don't know the exact warranty. The installation costs upfront were roughly \$30,000.00. To change it to another aircraft is quite a process.

Representative Kempenich: Is that a two person operation?

James Prochniak: When you're operating the FLIR it's definitely a 2 person operation. Not only have both pilots been trained in operating the FLIR, but we have several troopers that are trained in operating the FLIR. It's not as easy as it sounds when you're staring at a computer; it's a different sensation. We had to make sure that these were officers that didn't suffer from motion sickness.

Representative Kempenich: Is that the only one in the state that has that capability?

James Prochniak: I'm not aware if the Civil Air Patrol has a FLIR system; as far as I'm aware, that is the only FLIR operation. It would also take longer than 15 minutes to get that aircraft in the air.

Representative Kroeber: So you say you're taking out the 3 FTE's that were also in the Governor's budget; so, you're removing all 3 of the new highway patrol for the motor carrier's enforcement?

Representative Kempenich: In the Governor's optional package we're going to take those 3 also; so they're going to go and have to ask the senate for those. It was 3 trooper positions in the Governor's recommendation budget.

Representative Kroeber: Leadership feels they're unnecessary?

Representative Kempenich: If these agencies are going to do budgets, they're going to have to go in and actually make some budgetary adjustments. If the FTE positions are the ones to be chosen, leadership felt that's going to have to be defended on why those are targeted. The words we received were no new FTE's and when you add those back in, they show up on the budget as FTE's. Another point, we talked about it a little this morning, was the mileage and it depends on what the committee wants to do. It was suggested to me to drop that down and take it to \$.58; but, I was told to go lower than that.

Representative Klein: Where are we at now?

Representative Kempenich: \$.64 is for the current budget and their looking at \$.61 in this budget. It was suggested that we go lower than that.

Representative Klein: Are you allowing for additional stopping and idling time?

Representative Kempenich: When you look at the budget and what they're presenting, they're actually putting in for more use out of the mileage than this current biennium; so it's an increase over this current biennium. I think that's where the thought process is coming from and to take the number down close to where it is today.

Representative Klein: You're suggesting \$.58?

Representative Kempenich: If we're going to drop it, that's what I was suggesting.

Representative Kroeber: I would ask OMB where did the \$.61 come from?

Tad Torgerson, Office of Management of Budget: The \$.61 came from the state fleet service budget guidelines as provided by DOT for highway patrol vehicles.

Chairman Thoreson: That would be the same place the \$.64 came from for this biennium?

Tad Torgerson: That's correct.

Representative Kempenich: The rate becomes irrelevant; it's the dollars involved.

Representative Kroeber: According to testimony it said that highway patrol is the only agency that has the authority to enforce size and weight limitations, deteriorating highways, impacting safety and we've all talked about the high increase in traffic in western North Dakota and that's where these troopers were going to go.

Representative Kempenich: The problem is where we're at today versus where we at going into the future; that's why I was kind of driving at this \$12 million coming from DOT and how to structure that as such as it gets put in that way.

Representative Thoreson: One thing we didn't do a lot of discussion about is in the bill itself; section 3 is the special funds transfer and that's money from the highway tax distribution fund that has been put into this bill. I've had discussions that maybe it's time to look at that as not using that as a funding source and possibly just taking general fund dollars.

Representative Kempenich: That is part of the patrol's charges, infrastructure protection. I think that's part of why some of this money's been left in; the other part of that \$12 million I'm sure is MCSAP money. I think DOT does need to fund some of this.

Representative Klein: I would suggest for now we leave that and it will come up in the conference committee.

Chairman Thoreson: The chairman feels it's may be time to look at taking it out of there and replacing it; but, I don't have an amendment drafted for that.

Representative Kempenich: When was that when we completely switched that over, 2005?

Chairman Thoreson: If we could get a breakdown of that?

Chairman Thoreson closed the meeting.

2011 General Discussion

(Check appropriate box)

- ☐ Committee on Committees
- ☐ Rules Committee
- ☐ Confirmation Hearings
- ☐ Delayed Bills Committee
- ☐ House Appropriations
- ☐ Senate Appropriations
- ☐ Other

Government Operations

Date of meeting/discussion: February 15, 2011

Recorder Job Number: 14585

Committee Clerk Signature



Minutes:

Chairman Thoreson opened the general discussion on HB1011 and HB1350.

Representative Kempenich: See attached proposed amendment 1011.2.15.11A.

Representative Kempenich made motion for a do pass on line 1 of attached 1011.2.15.11A.

Representative Brandenburg seconded the motion.

Representative Kroeber: It appears because of the road situation out west and because of the problems with safety out west; that's where these positions were supposed to be added if I remember the testimony correctly. I will oppose this.

A voice vote was called and approved for line item 1.

Representative Kempenich continued with attachment 1011.2.15.11A.

Representative Kempenich made a motion to pass line 2 of attached 1011.2.15.11A.

Representative Klein seconded the motion.

Representative Klein: Where are you at in the hiring process of those 3 positions?

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James Prochniak, Colonel, North Dakota Highway Patrol: You're correct we are in the hiring process. We are currently taking applications. Our application deadline is towards the end of February; when we're done with the application process, we'll review those and start setting up the time for the written test.

Representative Klein: When you bring them on you run them through the academy for how long?

James Prochniak: 26 weeks.

Representative Klein: So by the time you get them out on the road?

James Prochniak: It won't be until about this time next year.

Representative Dahl: If we take these 3 additional positions away, what does that do to your hiring process?

James Prochniak: What it does to our budget is roughly just under \$800,000.00 impact.

Representative Klein: By delaying your procedure, how far behind will this put you on these 3 trooper positions?

James Prochniak: We'll have to make a determination of what posts stay vacant. That's always a difficult decision and we'll usually try to base off of call and what's driven when it comes to calls for service.

Representative Klein: Where are those vacant positions right now?

James Prochniak: We have vacant positions all across the state. We have them not only in Dickinson, we have some in Minot, Fargo, Hillsboro, Linton. It's the entire state where we have different voids to fill. I just found out today that it sounds like we could have some additional vacancies in the Minot area as well. The \$800,000.00 was for the additional that we were requesting and why you see the cost difference; the motor carrier officers there's some additional costs to those officers; namely, because of the scales they carry inside their vehicle. Getting back to the second line and how that would impact it. This line would speak to it.

Representative Dahl: I'm just asking what this does to your application process. If we remove those additional FTE's does that then stall out the application process for those 3 existing positions?

James Prochniak: As we're sitting now, we have 7 vacancies and when this class starts on the 2nd week in July, we may be looking at 10 at a minimum. With the news we're receiving about some of our other troopers; it would be rather close whether we determine to have a class or not. Typically, we want to start a class with at least 6 troopers; otherwise, it's just not worth the effort.

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Chairman Thoreson: When you have a class what percentage graduates? Do you lose quite a few people during the 26 week process or do you ever have to tell someone this isn't working out?

James Prochniak: We lose very few through the 26 week training program. We do on occasion; some of them we find out they either had the notion that the job entailed something different than what it really does.

Representative Klein: Do you still have that program we instituted several sessions ago; that if a trooper brings in somebody he gets a bonus?

James Prochniak: Yes, we do. It has worked very well for our agency. We find out that our officers with experience out on the road are some of our best recruits when it comes to recruiting potential new troopers.

Representative Klein: I imagine you would have success with them because they follow up with their troopers?

James Prochniak: That's correct.

Representative Kempenich: When you bring this new class in do you prescreen the candidates?

James Prochniak: The initial application process ends up weeding out quite a few. They either don't meet the educational requirements or some of the simple questions we have as it relates to their criminal background or driving record. The second step is the testing process to measure their aptitude, skill, and general knowledge. The third is the psychological exam and a background performance; which is done by our troopers. They're carefully scrutinized not only from their bank records; but from their criminal records.

Representative Kempenich: How many applicants do you usually get?

James Prochniak: For example, this next class coming up, we've identified how many vacancies we have now; we know how many vacancies that we'll have by the first week in July when this class starts. That's our cutoff point. Anything that happens, even while they're in for that 26 weeks, is going to stay vacant until that next academy class comes along.

Representative Brandenburg: How many students do you start out with? Do you keep 75% or 50%?

James Prochniak: Our retention rate is very good. Most of the individuals when they go through our hiring process and they're committed to that 26 week training regiment, they chose us as a career. However, we face the challenges of people relocating or seeking other jobs in law enforcement. Typically, what we're seeing right now, 100 to 150 applicants. When I was hired, back in the late 1980's, it was closer to 500. What we're

seeing as far as class size, it can be anywhere from 6 to 12. We usually try to fill those vacancies as soon as we can.

Representative Kempenich: Are those from all over the country or is it pretty much North Dakota?

James Prochniak: A lion's share is North Dakota. We recruit the college campuses quite heavily. Most of the major campuses in our state offer a criminal justice program. We do get a good pool from the Minnesota area and then some from the region. Once in a while we get them from the eastern or western side of the United States; but, they often times don't necessarily work out.

Representative Klein: Do you have any success with the young people from the military that get out of the service from Minot Air Force Base or Grand Forks?

James Prochniak: We do. We get those applicants through; they obviously get the veteran's preference. We have several of our officers that are either in the National Guard or retired from the National Guard. They're still with our organization and/or applications from the Grand Forks Air Force Base or Minot Air Force Base.

Representative Glassheim: What won't happen if you don't have the 3 additional motor carrier positions? What won't happen if you don't have the existing positions filled?

James Prochniak: My initial testimony talked about and there was a handout included for the committee. Just some baseline average work from the motor carrier officer; based off of 2009 numbers; so those 3 FTE's that were additional, that would be a snapshot of some of the work that would be missed out there. Some of the truck enforcement level and some of the feeling of being safe. The 3 additional FTE's that lends itself to previous conversations about making a decision of what vacancies or posts will not be filled.

Representative Kroeber: The other thing I see is you're using extremely large amounts of overtime right now with your people in order to handle some of these duties out west. This could be putting more pressure on your officers out there as far as staying with you or not. It seems like a little overtime is always good to make some money; but, too much can really be problem for retention.

James Prochniak: That's correct. I gave a snapshot of some of those overtime hours that were used; and in particular, those were all western projects. We did start to receive after our last emphasis; which wrapped up this past October, some push back from our officers. The push back was namely the officers knew winter was coming. They knew some bad weather was coming and had some signs of burnout. The sustainability of an overtime project and wrapping that many hours isn't going to happen. I don't want to mislead anybody by saying we can keep up that pace.

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Representative Brandenburg: In dealing with picking the next class of recruits; they really wouldn't come on board until July with your next class. Is that a correct statement?

James Prochniak: As far as the final outcome and decisions that come from the session, that's correct. We'd hate to go down the path of going through the advertising for those positions which we are currently doing and then we have to decide if we have enough to proceed with the class; even after session is over.

Representative Glassheim: If there's a sense that any of the positions are not necessary or needed; that would be a reason for cutting. But merely to have something to negotiate with the senate in the future; I think is a really bad way to run government. It seems to me they made the case that the needs for these are clear and I can't understand the process that removes things that are needed from budgets.

Chairman Thoreson: These 3 positions were restored but they were identified during the budgeting process. We've had this conversation in the past with agencies that during budgeting where they're using these positions to balance. They've identified these positions that may not be necessary; then we do need to take a look at that. That's why I'm going to support this motion.

Representative Glassheim: I may be wrong that it seems to me that the Governor called for one budget that was a reduction and then the Governor decided not to use those reductions. So, it's not as if these were identified as expendable positions in the budgeting process and the Governor saw fit to restore when they went away from that artificial 3% reduction.

Chairman Thoreson: I'm not certain when they chose to make that reduction.

There was a voice vote for item #2 of attached 1011.2.15.11A and motion was carried.

Representative Kempenich continued with attached 1011.2.15.11A.

Representative Kempenich made a motion to accept line item #3 of attached 1011.2.15.11A.

Representative Klein seconded the motion.

Representative Kroeber: Are we lowering the fleet request for all agency's budgets?

Representative Kempenich: No. It's a way to come up with a dollar amount on what \$.03 a mile will give us as far as fleet operations.

Representative Kroeber: If I remember right, I think there was \$350,000.00 of turnback in their budget. I guess here we're looking at 1 of 2 things; certainly the highway patrol isn't going to park their car because they run out of money. With mileage, if they do

have more dollars in they did have turnback; so this is one that makes absolutely sense whatsoever to me.

Representative Kempenich: In the past we've budgeted low and they came in a couple of bienniums ago we gave them an extra \$500,000.00 for gas money.

Chairman Thoreson: Having been on the conference committees last time on this; it's a number you try to set and it is kind of a moving target.

Representative Kempenich: I could make another motion to drop it to \$.54 and there probably will be another motion in full committee to drop it even further.

A voice vote was made on item 3 of attached 1011.2.15.11A; and motion was carried.

Representative Kempenich continued with attached 1011.2.15.11A.

Representative Kempenich made a motion to approve item #4 of attached 1011.2.15.11A.

Representative Klein seconded the motion.

A voice vote was made on item #4 of attached 1011.2.15.11A and motion was carried.

Representative Kempenich continued with attached 1011.2.15.11A.

Chairman Thoreson: What would that be used for to keep them operational?

Representative Kempenich: I'm thinking paint the scales.

Chairman Thoreson: Is it mostly cosmetic or mechanical also?

Representative Kempenich: I think they're fixing the Bowman scale. It's to keep the scales maintained, fixed and then some cosmetic.

Chairman Thoreson: Was that identified in the budgeting process?

Representative Kempenich: We put \$280,000.00 in last session so we put more in this session just to keep things going.

Representative Brandenburg: There are scales that have to be fixed and certified; and I think that's probably what you're talking about.

Representative Kempenich: Yes.

Chairman Thoreson: How many scales are we talking about?

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James Prochniak: It's covered by DOT and any maintenance there; but the building itself or anything we would need, for example roofs or shingles, etc, those all need to be replaced with time.

Chairman Thoreson: So is that the only thing that DOT is responsible for there?

James Prochniak: There are times where, for example, the Ellendale scale and we're looking at the platform; and relocating that platform closer to Jamestown where we're requesting some help in funding that relocation with DOT. But, for the most part, the facilities are our responsibility.

Representative Klein: I believe some time ago you moved the scale in Minot from where it was along the road out to where the highway department is.

James Prochniak: That's correct. At times because of traffic locations or growth in communities it's a lot better for those trucks to be pulling out in a different location.

A voice vote was made on item 5 of attached 1011.2.15.11A – motion carried.

Representative Kempenich decided to leave the other proposed changes to 1011.2.15.11A for the time being.

Chairman Thoreson closed the general discussion.

Division took a voice vote on amendments and forwarded the bill and amendments to full committee for consideration.

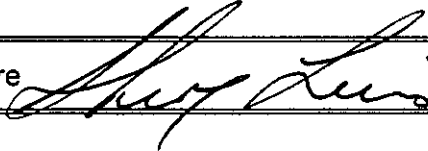
2011 HOUSE STANDING COMMITTEE MINUTES

House Appropriations Committee Roughrider Room, State Capitol

HB1011
February 17, 2011
Recorder Job# 14690

☐ Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

A Bill for an Act to provide an appropriation for defraying the expenses of the highway patrol.

Minutes:

Chairman Delzer: We'll move onto HB 1011. Most of the discussion was had in 1350.

Vice Chairman Kempenich: Introduces the bill and amendment.

Chairman Delzer: Just to show the difference in this, the house changes are here on HB1350 all showed to be positive. The house changes on HB1011 all show to be negative; but it ends up being the same.

Vice Chairman Kempenich: Yes.

Vice Chairman Kempenich: Walked through changes on HB1011.

Chairman Delzer: The second page goes through those as well.

Vice Chairman Kempenich: Yes.

Chairman Delzer: The difference showing up between HB1350 and HB1011 is; in HB1350 the executive branch suggested to add the enforcement academy. That did not show up in the amendment. That issue would not show up as it does here. That's one thing that needs to be noted.

Vice Chairman Kempenich: Yes, the four million plus the field operations; the motor carrier positions was also not in HB1350 amendment.

Vice Chairman Kempenich: Made a motion to move the amendment.

Representative Klein: Seconded the motion.

Representative Kroeber: Just be sure that you are aware that in this amendment, you are removing the 3 motor carrier positions, you are removing the 3 existing FTE positions, you are adjusting fleet services from \$.61 per mile down to \$.58 a mile. On this amendment you are adding in the weigh station repairs and you removed the construction and emergency vehicle operations course and indoor weapons range. I would hope we would resist this amendment and go forward with the budget as it came forward.

Representative Skarphol: So I fully understand what you are trying to accomplish here, when I look at the amendment for HB1350 and the amendment for HB1011. The amendment in total of house changes in HB1350 shows an increase of \$2,940,000.00 plus; and the total house changes in HB1011 is a reduction of \$4.623 million.

Vice Chairman Kempenich: Right.

Representative Skarphol: It's a reduction from the Governor's recommendation as opposed to this.

Chairman Delzer: Often we're asked on the floor how much is this an increase from last time, and that's the difference that it shows that the legislative body is increasing the budget \$2.9 million or \$3 million that's in HB1350. We're not decreasing the budget by the \$4.6 million that's in this one. In essence the only one that can appropriate is the legislature in the end; so that's what we're trying to show.

Vice Chairman Kempenich: It's about a 9% increase.

Representative Kroeber: On the three branches of government, the governor is going to bring in the budget in the manner they want to do it. We can request our legislative council to take and put it in the form that we have HB1350; but, in that case, I think like you reported that for the first half of the year there'd be 2 separate budgets that we'd be dealing with.

Chairman Delzer: That's not really true. The budget section has the authority to request the bills as they request them, and OMB has to do it as budget section passes. The current request is for the way HB1011 is; but, if the budget section made the motion and passed it to request it they was HB1350 is, that's what would have to be done.

A voice vote was done on the amendment and carried.

Vice Chairman Kempenich: Made a motion for a "Do Pass as Amended."

Representative Thoreson: Seconded the motion.

Chairman Delzer: Discussion.

Representative Glassheim: For your information, the large amount for the law enforcement training academy, shooting range, emergency vehicle operations; we all agreed in committee that this was a rather large number. So, we're in favor of taking that

out; but, just so you know, the request seemed justified. They're in a situation both with their shooting range and with their driving course training; which is not good. They're near a high school or elementary school for their shooting range, it doesn't have the proper back stops for the kind of bullets they use. It seemed a large number and we agreed perhaps to take it out.

Representative Kroeber: On the driving range, that was going to be a project in conjunction with the city of Bismarck; the city of Bismarck was donating land for this project.

Chairman Delzer: It is certainly the first half of the session.

A roll call vote was made for a " Do Pass as Amended." 13 Yea's 8 Nay's 0 Absent.

Chairman Delzer: Closed the discussion.

V12
2/18/11
1062

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1011

Page 1, replace lines 10 through 16 with:

"Administration	\$2,926,419	\$230,963	\$3,157,382
Field operations	37,198,354	3,060,162	40,258,516
Law enforcement training academy	<u>1,496,942</u>	<u>104,367</u>	<u>1,601,309</u>
Total all funds	\$41,621,715	\$3,395,492	\$45,017,207
Less estimated income	<u>10,893,730</u>	<u>455,053</u>	<u>11,348,783</u>
Total general fund	\$30,727,985	\$2,940,439	\$33,668,424
Full-time equivalent positions	194.00	(3.00)	191.00"

Page 2, replace line 1 with:

"Weigh station repairs	100,000	250,000"
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Page 2, remove lines 2 and 3

Page 2, replace lines 5 through 7 with:

"Total all funds	\$280,000	\$1,487,000
Total special funds	<u>0</u>	<u>161,000</u>
Total general fund	\$280,000	\$1,326,000"

Page 2, line 13, replace "\$5,600,841" with "\$4,849,220"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

House Bill No. 1011 - Highway Patrol - House Action

	Executive Budget	House Changes	House Version
Administration	\$3,159,842	(\$2,460)	\$3,157,382
Field operations	41,539,957	(1,281,441)	40,258,516
Law Enforcement Training Academy	5,692,488	(4,091,179)	1,601,309
Total all funds	\$50,392,287	(\$5,375,080)	\$45,017,207
Less estimated income	<u>12,100,404</u>	<u>(751,621)</u>	<u>11,348,783</u>
General fund	\$38,291,883	(\$4,623,459)	\$33,668,424
FTE	197.00	(6.00)	191.00

202
Department No. 504 - Highway Patrol - Detail of House Changes

	Adjusts Funding for State Fleet Vehicle Mileage Rates ¹	Removes New Motor Carrier Positions ²	Removes Existing Trooper Positions ³	Adds Funding for Weigh Station Repairs ⁴	Removes Funding for Law Enforcement Training Academy Project ⁵	Total House Changes
Administration	(\$2,460)					(\$2,460)
Field operations	(229,869)	(733,688)	(567,884)	250,000		(1,281,441)
Law Enforcement Training Academy	(1,179)				(4,090,000)	(4,091,179)
Total all funds	(\$233,508)	(\$733,688)	(\$567,884)	\$250,000	(\$4,090,000)	(\$5,375,080)
Less estimated income	(51,045)	(95,379)	(73,497)	0	(531,700)	(751,621)
General fund	(\$182,463)	(\$638,309)	(\$494,387)	\$250,000	(\$3,558,300)	(\$4,623,459)
FTE	0.00	(3.00)	(3.00)	0.00	0.00	(6.00)

¹ Funding for state fleet mileage is reduced to reflect an estimated mileage rate of 58 cents per mile for Highway Patrol vehicles rather than 61 cents per mile.

² Three new FTE motor carrier positions and related operating expenses included in the executive budget are removed.

³ This amendment removes three FTE trooper positions that were removed in the agency base budget request and restored in the executive recommendation.

⁴ One-time funding of \$250,000 for weigh station repairs is added.

⁵ Funding for a Law Enforcement Training Academy shooting range and emergency vehicle operations course is removed.

Date: 2/17
Roll Call Vote #: 1

2011 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1011

House Appropriations Committee

Legislative Council Amendment Number 01001

Action Taken: ☐ Do Pass ☐ Do Not Pass ☐ Amended ☒ Adopt Amendment
☐ Rerefer to Appropriations ☐ Reconsider

Motion Made By Rep. Kempenich Seconded By Rep. Klein

Representatives	Yes	No	Representatives	Yes	No
Chairman Delzer			Representative Nelson		
Vice Chairman Kempenich			Representative Wieland		
Representative Pollert					
Representative Skarphol					
Representative Thoreson			Representative Glassheim		
Representative Bellew			Representative Kaldor		
Representative Brandenburg			Representative Kroeber		
Representative Dahl			Representative Metcalf		
Representative Dosch			Representative Williams		
Representative Hawken					
Representative Klein					
Representative Kreidt					
Representative Martinson					
Representative Monson					

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

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

voice vote carries

Date: 2/17
Roll Call Vote #: 2

2011 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1011

House Appropriations Committee

Legislative Council Amendment Number _____

Action Taken: ☒ Do Pass ☐ Do Not Pass ☒ Amended ☐ Adopt Amendment
☐ Rerefer to Appropriations ☐ Reconsider

Motion Made By Rep. Kempenich Seconded By Rep. Thoreson

Representatives	Yes	No	Representatives	Yes	No
Chairman Delzer	X		Representative Nelson	X	
Vice Chairman Kempenich	X		Representative Wieland	X	
Representative Pollert	X				
Representative Skarphol	X				
Representative Thoreson	X		Representative Glassheim		X
Representative Bellow	X		Representative Kaldor		X
Representative Brandenburg	X		Representative Kroeber		X
Representative Dahl		X	Representative Metcalf		X
Representative Dosch	X		Representative Williams		X
Representative Hawken		X			
Representative Klein	X				
Representative Kreidt	X				
Representative Martinson		X			
Representative Monson	X				

Total (Yes) 13 No 8

Absent _____

Floor Assignment Rep. Kempenich

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

REPORT OF STANDING COMMITTEE

HB 1011: Appropriations Committee (Rep. Delzer, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 8 NAYS, 0 ABSENT AND NOT VOTING). HB 1011 was placed on the Sixth order on the calendar.

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

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2011 SENATE APPROPRIATIONS

HB 1011

2011 SENATE STANDING COMMITTEE MINUTES

Senate Appropriations Committee Harvest Room, State Capitol

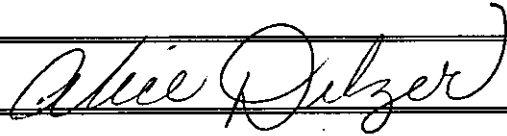
HB 1011

03-16-2011

Job # 15538 (HB 1350 also on this job)

☐ Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

A BILL for an ACT to provide an appropriation for defraying the expenses of the highway patrol.

Minutes:

See attached testimony

Chairman Holmberg called the committee to order on Wednesday, March 16, 2011 at 2:00 pm in reference to HB 1011. Tad H. Torgerson, OMB and Brady Larson, Legislative Council were also present.

Chairman Holmberg: As committee members know we have two bills before us both dealing with the budget of the highway patrol: HB 1011 and HB 1350.

Rep. Delzer, District 8, spoke to the content of HB 1350 and provided written testimony. See **Attachment #1**. Even though HB 1350 deals with the highway patrol budget, it really has nothing to do with the highway patrol budget as such. HB 1350 was put in so we could have a look at a different way of looking at appropriations bills. When we bring bills to the floor from House Appropriations they are hard to understand what we are doing in the Appropriations Committee. The situation arises that we deal mostly with changes to the governor's proposal instead of changes to what the legislature did last time which in essence is exactly what we do. We should not be making changes to the governor's proposal. In the end we make changes to what we did last time. In HB 1350 we put the bill in the same as we passed out the highway patrol budget last session. Then we requested council to build a set of amendments for the governor's proposal. That would be **Attachment A**. The actual amendment is the first page. That goes through the changes from last time's budget to the governor's proposal. On the bottom of page 1, the statement of purposes, shows us the proposals from the agency to OMB. On page 2 it shows us what the governor proposes. When we brought this through our committee we did this as a test pilot to see how it works. When we brought this to our committee the suggestion was also made that we should possibly have all the OAR's on there and what level they were funded. This does give us some information that is certainly available to all of us but is a little harder to come by. It really isn't available without work to the non appropriations members when they deal with a bill on the floor. That is one of the biggest issues of the idea behind this it to get transparency in our budgeting, especially for the non-appropriation members in the House. I think historically the House has more true freshman members than the Senate normally does. Part of the issue we have always had in bringing bills

to the House is "What changes did you make from last time?" Doing it this way actually shows and you can see those. **Attachment B** is the actual amendment for HB 1011 and **Attachment C** is the amendment that was adopted for HB 1350. It may make both of these bills exactly the same but when you look at the amendments, like when you look at Attachment B they are negative amendments to HB 1011. When you look at Attachment C you see that we have the changes from what we did last time to what we did this time. Most of them are actual increases. So when we go through the amendment on the floor, I know on the Senate floor you can amend but on the House floor we cannot. When we bring these back to the House then it shows what we have actually done from last time's budget compared to the other way where we are always talking about changes we have made to the governor's budget. We just wanted to see how it would work. It was a test pilot kind of like what OMB did with their 2 electronic test budgets. We kind of like this in the House. We picked the highway patrol simply because it was a bill that had enough information in it to show how the amendments would look and yet not so much that it would be too much of a job for a test run. What we would like to see and have discussion about in the future is whether or not we want to look at some of this for next session. It only makes a difference in the first half of the session because after crossover we are dealing with the other house's changes. I know in the House side we would kind of like to look at possibly doing 3 next time so each section could have one. I don't know if the Senate would be interested in that or not. When we look at the original bills we have come a long way. When I went on appropriations in 1997 there was simply the one line with the governor's proposal. Now when you look at our bill you have last time's budget, the enhancements, detractions, and this time's budget. That is much better. I think this might be a step that we should consider doing for the future to get better information to the public and to the non-appropriations members on the floor. That's the reason for the bill. That's the reason we passed them both out. We understand in the end only one of these needs to go forward. I have testimony that tries to explain it.

Chairman Holmberg: Any questions? Thank you for bringing this to our attention. We will take it up as part of the whole budget.

Colonel James Prochniak, Superintendent of the North Dakota Highway Patrol (NDHP), introduced Captain David Kleppe, in charge of their support services division and Captain Lori Mulafa in charge of administrative services division and Captain Eric Peterson in charge of the southwest region and who works out in the field level and was very involved this past weekend. See **Attachment #2**.

His testimony gives some highlights of constant themes of the NDHP such as education and traffic safety. He also pointed out some major agency accomplishments for 2009-11. They implemented a new computer aided dispatch (CAD) which provides dispatch personnel with the capability to views the location and status of all patrol units. During this last weekend, during the storm, we had officers we were able to pinpoint where that officer was to help rescue the people out on the roads. To give you an idea what a natural disaster does to our budget, in two days we used 1 month's worth of overtime in 48 hours of rescue efforts. He continued with the budget requests on page 3 of testimony, option #1 covering a EVOC (Emergency Vehicle Operations Course) and a shooting range. He had a video the committee watched. You don't want a curb on an EVOC course. When I got back to the office after I testified before the House there had been an accident on the curb that resulted in damage to our vehicle. What else is important to mention about the video is that the driver behind the

wheel is the EVOC instructor. He is trained to do high speed maneuvers and such. He continued his testimony (page 4). He showed a slide, to show the limitations of the state Penitentiary Outdoor Range. Right near the range is Apple Creek Elementary School. That is not an ideal situation for us to shoot our rifles, the school may contact us, it makes scheduling a real nightmare to try to accommodate that. I think some of the folks behind me will offer some testimony to the various slides and video I have shown you. What is in the Master Plan (Attachment 2A) is a best case scenario. That is why the figure is high. How did we come to the figure in the budget for the training facility? We worked with OMB and the state architectural office. They assisted us with the square foot analysis and the driving pad size, and the materials. We picked middle of the road material, not a soft black top, not a concrete. It's a built up black top surface. On page 6 of the Master Plan, the red area is the classroom area. In there is an area for a strobe light so they can be trained to shoot under those conditions. Where is this land? The location is shown on page 13 of attachment 2A, east of Bismarck, south of I 94. The city is willing to have that land at zero cost as long as we develop it for the means that we have shared with you today. This entire optional request was pulled from our budget on the House side. Option 2 Additional Motor Carrier Troopers: His chart shows the daily truck counts 2002 – 2010 which has increased dramatically. They are requesting 3 FTEs. These requests were removed by the House. The House also removed 3 additional troopers for an actual reduction in force, all during a time of population growth and increased traffic activity.

Chairman Holmberg: I am looking at a news article from a few days ago that suggests that the highway patrol itself was the one that removed three positions and the governor put those three positions back into the budget and that the highway patrol had deemed the three vacant positions as unnecessary at the time and submitted their budget accordingly. Could you give us clarification?

Colonel James Prochniak: Roughly 85% of our budget involves people and cars. When we are looking at a hold-even budget or at a reduction, it is going to come out of the meat of our agency and that is FTE's. It has been a learning process for me in taking over this position. It's very minimal what we invest in the other portions of the operation. In order to make those cuts, we have to do it out of the 85% or that larger amount. If we shortchange it on the other end, now we start to talk about various equipment and things like vests and guns, things the officers need to do their everyday duty.

Chairman Holmberg: so what occurred is in order to meet the governor's budgetary guidelines you found it necessary to remove 3 positions to make the numbers work. Were they vacant positions or actual positions?

Colonel James Prochniak: We would try to achieve that through vacancies. If we don't have them filled we certainly don't want to leave an officer out there without employment. But prior to that, it's the funding associated with those FTE's. It is the FTE equivalent. So the dollar amount is an FTE equivalent. It is not necessarily the body itself. I think there is some terminology that we are going to try to look at to change that the next time we go through this. I did learn about that media story that says we pulled that. I think that's just trying to account for those dollars.

Chairman Holmberg: The legislative council says that the amendment removed 3 FTE positions that were removed by the agency base budget request and restored in the executive recommendation. So you had requested the funding to be drawn down and the governor put that back in. Then you go on to say that the House also removed 3 additional troopers for an actual reduction in force. Were those positions that were reduced? Were those actual bodies in the field whose job will terminate July 1, or are these positions that were vacant that they eliminated?

Colonel James Prochniak: We are going through the hiring process. We are in need of troopers. We have those vacancies right now. It will affect what will happen. We will have to make a choice of what will be vacated. We will reduce the size of the academy class that we are going to hire if we can't keep those 3 positions that we are referencing for that roughly \$560,000.

Chairman Holmberg: You would like us to restore the funding for those 3 positions so you can move on.

Colonel James Prochniak: Yes, for those and also the 3 additional FTE's.

Senator Robinson: We want to thank you and the entire law enforcement services for the work of this past weekend. You stated that the patrol officers are called to put in so much overtime. Can you give us an average on a typical month of what the officers are called on to do?

Colonel James Prochniak: Various posts can be busy, it is cyclical. We try to budget between 500 and 600 hours a month of call-out overtime. It is not program overtime, in other words a seatbelt campaign, an alcohol campaign. It does vary; sometimes the sheriff's office has resources to help us, we try to work together and meet the needs of the public.

Senator Robinson: When you are off for a weekend, the chances of being called out are pretty good?

Colonel James Prochniak: It's not uncommon to get called out.

Senator O'Connell: Just a comment: On the driving course, I would take suggest that whoever is put on the subcommittee you take for a trip around that course.

V. Chair Bowman: You said the budget took out \$560,000 for those 3 employees, and the 3 FTE positions?

Colonel James Prochniak: The additional cut equates to roughly \$560,000 which is equivalent to 3 FTE's for us, 3 officers out on the road.

V. Chair Bowman: That averages out to \$93,000 for each FTE. Is that right?

Colonel James Prochniak: That covers everything that is associated with that officer, the equipment, the cars, the benefits, everything.

Chairman Holmberg: That is a 2 year budget so it would be \$189,000 divided by two.

Colonel James Prochniak: What you are picking up is the difference between that amount and the additional that we are asking for which are motor carrier. They have some different equipment, namely these hanging scales in the back of their vehicles. Those scales are quite expensive. To equip that officer you have to purchase those scales and that pushes up the cost. As far as the actual pay and benefits they are the same as any other traffic trooper.

Senator Christmann: On that point, the trooper that has the scales, when they are not weighing someone they are driving along like any other trooper. If they see something being done wrong they pull someone over. The casual observer would not be able to distinguish between the two, would they?

Colonel James Prochniak: That's right. I would add though that the 3 we are asking for in addition we are going to ask that they have a specialty assignment. We are going to purchase some rolling trailering scales and in cooperation with the DOT and some of the construction projects on these highways with the high traffic, they will have pull out stations. What a lot of their effort is going to be, is pulling the scales, setting up on the pull out.

To touch on a couple of emails: He showed a slide showing I 94 near Medina, March 11, 2011. All these vehicles are within 100 yards of that patrol car. They sat there from 3 pm to 2 am. I have a couple notes here worth mentioning. Officers worked 20 hour shifts under the worst conditions he has encountered. Our officers assisted a pregnant woman in labor until an ambulance arrived. It took the officer over an hour to drive 5 miles to tend to her needs. Officers made individual rescue efforts for 5 separate diabetic motorists during the storm that had been stranded for an extended period of time. Our officers shifted gears on Saturday to respond to a signal 100 to respond to a murder in Minot. They were able to assist in the apprehension of that fugitive. They located and escorted numerous dialysis patients to the hospital in Bismarck. The list goes on and on. I find it ironic that our state is considering this cut when we are increasing in population. I take public safety near and dear to my heart. We are seeing a population increase, you would not think of starting a city about the size of Minot without addressing public safety. We have to have the public feel safe. Our agency and many seated behind me are part of that. On page 5 of **Attachment #2** it deals with Option 3 Mobile Radio Equipment. (Slide show, traffic stop with vehicle fire) (shared one more slide show, construction zone in Fargo area, traffic crash in a construction zone) Our officers have to get back in the car to get through to state radio.

V. Chair Bowman: How long has it been since you replaced your radios?

Colonel James Prochniak: In 2005

V. Chair Bowman: Have the new ones been tested under the same conditions?

Colonel James Prochniak: The new system is all one system, not only the car but the radio. It's a matching component. It is designed to communicate with each other.

Senator Robinson: I would like to get from the council the information about the FTE's back to 2005, the amount they have requested, and what was in the governor's budget, and what the

legislature has approved. I think if we could get that information it would show that we've been behind for some time. That information would be important for the subcommittee to review.

Colonel James Prochniak: We certainly can do that.

Chairman Holmberg: I think Brady will have that available.

Senator O'Connell: How many troopers are assigned to "chase tail-lights"?

Colonel James Prochniak: We have 142 sworn officers, that includes everyone from the administrative staff to the officer that just came out of the academy. However we are operating with some vacancies right now. That is 142 to cover the state of ND. You would divide that by 4 because of the shifts, and you need to remember that you have administrative staff. Am I working the road each and every day? No, I'm not.

Senator Wardner: On the sheet that came from the House the estimated mileage rate is 85 cents per mile. I thought you said it went from 64 to 61 cents per mile.

Colonel James Prochniak: It is currently 55, 58 is what the House is proposing and 61 is what we budgeted for. I am not sure where the 85 came from. In the 2009 – 2011 biennium we were instructed by DOT to use the 64 cent rate, there is an adjustment for the 2011-2013 biennium to 61 cents as directed by DOT and then the House moved it down to 58 cents.

Senator Robinson: You do have some SUV's. Is there not a benefit to have the SUV's out on the road especially in adverse winter weather conditions?

Colonel James Prochniak: There is a benefit to that. We also called the DOT for their heavy duty pickups. The resale on 4 wheel drives is greater even though operation is a little higher.

Chairman Holmberg: The subcommittee is the same group that works on DOT. The one to organize will be Senator Krebsbach. She will be joined by Senator Wardner, Senator Wanzek, and Senator O'Connell. This subcommittee will consider HB 1011 and HB 1350.

Paul Laney, sheriff in Cass County, testified in favor of HB 1011 and presented written testimony. See **Attachment #3**. I know talking to my peers and counterparts, we got pretty fired up. I agree with the testimony given by Colonel Prochniak and what he is asking for is not a nicety, it is a necessity. The training of new law enforcement personnel is critical with the liabilities out there against law enforcement. When there is a liability against law enforcement, there are a lot of zeros after it. We try to train our people the right way. In some areas we have the opportunity to train our people because we have larger agencies and we have the ability to do that. Some of them do not have that luxury. We all try to take care of each other. It comes down to having one core state academy that trains us all the same way from day one. To have a training institute like that to get everyone started out right is critical. As North Dakota has taken its place in leadership amongst the states, its law enforcement needs to be at the top of that category. We take great pride in what we do. We need your help by restoring the funding for that state academy. The driving course and the shooting range are high priority. The partnership with the city of Bismarck shows they understand and they really helped us out. Many people might ask what does an eastern sheriff care about what is happening in the west,

well, we all take care of each other. During the 2009 flood we made 168 rescues in three days. During that 2009 flood one of the air boats doing rescues was from Williams County, one of the western-most counties. It was a chaotic time; it was western officers backing us up. He had names of 50 western sheriffs and police chiefs who made themselves available to help. When we see the growth in western ND, it is going to tax the current officers in the cities and counties. We have to have the highway patrol. On top of that I've been playing this game awhile, we only have so many chess pieces, they are not squeaking because they want it, it's a necessity. Losing those highway patrol officers is critical. Somewhere around the state someone is covering for the loss of those troopers. This is a time to take a lead in public safety, not to take cuts. If people are going to come to our state they have to feel safe. I urge you to restore the funding that was in the original budget.

Scott Thorsteinson, Chief of Police in Wahpeton: He had no written testimony. Sometimes we forget that the highway patrol does a lot more than work on the highways of our state. They get called to deal with industrial fires, evacuations, bank robberies, deaths in apartments. I have stood shoulder to shoulder with the highway patrol many times. We all in law enforcement work together very well. We are blue, brown, white, we all work together. We are a unit. I've already seen how the loss of one trooper in Wahpeton has affected the quality of service. That is not to say that the guys that are currently there are not working hard, but it makes a difference whether you realize it or not. I want to do a good job. Any time we have a loss of service it bothers me. My families drive on the highways also, I want to be sure they are safe while they are doing it. In speaking with the chiefs of police, none of them wants a reduction in force. We are better at what we do, because we are trained. If you think it's expensive to train, try not to train. The other thing that came to mind, the SUV's, during the flood of 1997 after the first weekend, we didn't have a car that ran. We were on foot or we were in a Humvee. Now we have 2 SUV's. I don't like buying them, but it is nice to have something that runs in adverse weather. I really want to emphasize what the highway patrol does for backup for all the small agencies all over the state. When you get down to an agency that is my size or smaller your resources are used up very quickly. To draw upon the resources of other agencies is invaluable.

Kelly Janke, sheriff of Nelson County: Nelson County has been a busy place, apprehending bank robbers, fugitives from other countries, issuing amber alerts. I can go on and on about the cases the highway patrol has helped us with. One of our troopers had put in a request to go to Minot because they needed man power out west and he had family out there. For 9 months Nelson County was short an officer. See **Attachment #4**.

Bob Rost, Sheriff of Grand Forks County: I have been in law enforcement for 41 years. I have always seen law enforcement take a back seat to budgets. I am here to support the HP. I would like to see the Senate put everything back into the HP budget. My son, a trooper here in Bismarck, got called out during the storm. I went to the academy a long time ago; it does need to be replaced. The law enforcement academy in Pierre, SD is state of the art. Besides doing the basic things, they get the federal programs coming into that center, we are sending our people to SD to train, drug experts go to SD to train. That can be done here. I encourage you to reinstate everything. The liability issues are huge. It's a federal law; you have to train your people properly. The city of Bismarck is donating the land for this, that is a huge deal right there. It shows the support of this community. The cooperative effort between the state of North Dakota and all agencies and the highway patrol is amazing. I am just saying all of us

here have a duty and responsibility to take care of our people; you legislators have a duty to offer the financial support so we can get these tasks done. See **Attachment #5**.

Steve Bay, sheriff of Grant County: My hat's off to these guys. I come from a four person department. We don't do overtime, we work in comp time. When you are talking about budget, you're talking about my budget. We have a 1 highway patrolman post, If there are cuts this gentleman is going to be asked to go elsewhere. That would take us off the gravel roads because we would end up on the highways doing what they do. We are one family, we don't always agree, I am just saying this budget is going the wrong direction. Our work is going to increase as all the oil activity starts up. The people are coming; it affects all of us here. I ask for your support on this budget.

Ron Rankin, Sheriff in McKenzie County: I am starting my second term. Prior to that, I was with the Watford City police department for 22 years. I am here to support the Colonel and the budget request. Last Friday McKenzie County was hit with that blizzard. We are a small department. We have 7 deputies counting myself. We also are the largest county in the state. About 5 years ago we would have had 5 or 6 accidents during a storm like that and maybe 12-14 cars in the ditch. In this storm we had 7 multi-car accidents, all of them involved a semi. On Highway 23 from Grassy Butte to Keene, we could not traverse that highway. It was blocked with snow. I have a great relationship with HP; without them, our job would be a lot more difficult.

Clarence Tuhy, sheriff of Stark County: I'm in full support of HB 1011. Traffic on Highway 22 is unbelievable. I am going to push for a meeting in Dickinson. 2 years ago, we called in the Bismarck swat team, we needed some ammunition out of Fargo. In this day and age, with people moving in and the public demanding more services, is not a time to cut services. Why is it that emergency services has to usually take the back seat? I am requesting 3 people for my department; they tell me there is no money. We need emergency services, we need law enforcement. I am in total support of HP budget, we need the training. There are liability issues. We need some training that is centrally located.

Chairman Holmberg anyone else.

V. Chair Bowman: I want to thank all of you for what you did and all the people you helped the other night. Thank you.

Chairman Holmberg: closed the hearing on HB 1011 and HB 1350.

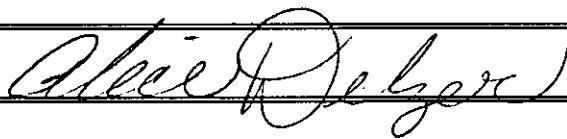
2011 SENATE STANDING COMMITTEE MINUTES

Senate Appropriations Committee Harvest Room, State Capitol

HB 1011
03-18-2011
Job 15680

☐ Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

SUBCOMMITTEE HIGHWAY PATROL

Minutes:

You may make reference to "attached testimony."

Chairman Krebsbach called the subcommittee hearing together. Let the record show all conferees were present except Senator Wanzek. Senator Wardner, Senator Wanzek, Senator O'Connell were present. Also Dave Kleppe and Colonel Prochniak from the Highway Patrol (HP) were also present. Please explain the biggest areas that you would like to see changed, either back to where it was or in addition to what it was. Tad H. Torgerson, OMB and Brady Larson, Legislative Council were also present.

Colonel Prochniak: I can certainly reiterate some of the points of emphasis that we would like to be restored. Ultimately, starting out before I get into the details of it, I would make the general statement that we would certainly like to get it restored with what the Executive budget was, the recommendation out of the Governor's office. More precisely, that would be to include the Law Enforcement Training Academy (LETA) construction project or the Training Academy construction project. It is a phased approach, and we're only asking for this point in time for the initial phase which as you have heard in the initial testimony, deals with the Emergency Vehicle Operations Course (EVOC) or driving pad and the range. The law enforcement community identifies that as well as we do as the priority in training. It is a high liability part of the training that we must have in order to be licensed peace officers. It is important for everybody in the state who wears a badge and a gun. This is not just a Bismarck community effort, even though they are very involved. It is a law enforcement effort across the state.

Senator Krebsbach: As well as Bismarck should be. It is their concern it is their city, and there are looking at it for a whole of the state as well.

Senator Wardner: After you left the other day some of the committee members, were confused. They were thinking that you're building a whole academy over there. You're not, you're building the driving range and shooting range and eventually you would hope to put the academy over there. Is that the plan? **Colonel Prochniak:** That is exactly what the plan is. This initial project is the driving pad and the shooting range just to be clear. As with any agency or development as it progresses, you have a grand plan. You will have to project out and part of our master plan is to eventually someday try to relocate. Some of the discussion is

to elaborate and let you know about how these decisions and plans develop. Bismarck State College certainly has an interest in our current building. They've identified that interest and they would have an immediate need for that building with very few modifications. In visiting with President Skogen, he would certainly like to have a shot at that building in the future. We thought instead of just approaching the driving pad portion and the shooting range, how, would see this all develop years down the road. We have a step in front of that whole master plan and scheme and we thought it was prudent to include that in the plan. But we are just asking for that first phase, the driving and the shooting portion.

Senator Krebsbach: And that is the \$1.6 Million?

Colonel Prochniak: Yes, actually that total was just over \$4 Million dollars. **Senator Krebsbach:** I am looking at the engrossed bill, sorry.

Senator Wardner: One other thing we need to establish that is, do you train all law enforcement at that academy across the state of North Dakota, is that correct?

Colonel Prochniak: That is absolutely correct. Frankly if you would go up there today, the place is full. We are not only holding a basic class, we have corrections in-service going on, and we have other courses of instruction. The officers don't just receive their initial licensing instruction at that academy; they have to have a certain amount of credits on an annual basis just like a lot of other professional occupations. In order to do that, they have to receive some classroom training. So they continue to walk through those doors for that on-going training.

Senator Wardner: One more follow up question? That would be Devils Lake program and how it dovetails with what the State Highway Patrol Academy does?

Colonel Prochniak: Absolutely! Much of their program at times isn't near what they have, although they added a diploma to their program through higher education credits. Ours is an academy class much like theirs; often times the folks are walking out the doors at the academy here are already hired by agencies. They can't afford either as individuals or as an agency to pay for the tuition costs at Devils Lake, although the program is very good. We offer that training and there is no cost as we also offer lodging at our facility as well.

Senator Krebsbach: Has any of your training ever been considered to be done on line or through some other type of new type of delivery system?

Colonel Prochniak: We do training through the IVAN network at times. We also offer computer capabilities to conduct some of our training. We do have a computer lab at the LETA, the current training academy. Some of our courses are funneled through that technology. We also provide training on a local basis where one of our instructors is assigned personal from the patrol, goes out the local areas. Example cited. We are not only local based; we offer satellite training as well.

Senator Krebsbach: That saves a lot of travel time for a lot of people. You can take one instructor but then it can serve many in that area.

Colonel Prochniak: That is a very good point. For a lot of agencies, particularly the very small agencies for them to offer up their officer to come to Bismarck, it gets difficult so, if we can go to them and provide some of that training and their still near their location, where they are assigned, it works to benefit everybody.

Senator Krebsbach: When you're looking at what were looking for in funding, the range and EVOC, at this time, according to this now, it would be, oh no that would include other things as well. What is just the direct cost on those two phases?

Colonel Prochniak: We have included in our budget, \$4,090,000 for the cost of that phase. Included in that phase you will see the document that I handed out at the initial hearing, which is referred to the State of North Dakota Law Enforcement Training Academy Master Plan. On page 6 of that document, you will see an overview and that is a slide that I shared with you. The red portion is the shooting and the big green mass is #5 in that is the driving area. So those would be the two portions included in that. As with any, shooting range it is very typical that you need to secure some storage in that facility, ammunition, secured and stored properly and kept dry. You have to have the necessary things inside that structure to include rest rooms and when our range instructors go out there, whether they are from the highway patrol, or any other agency that would be more than welcome to use this facility. They need to have a classroom portion included in there because they will go through the directions for the particular shot that the officers will be involved with before they head out to the live range. This is all included in the red building portion.

Senator Krebsbach: This is the \$4.5 Million dollar right here? **Colonel Prochniak:** That is correct. If you understand from the presentation, the land is there and the City of Bismarck is more than willing to donate that land, however, it is rough land. It needs to be developed and graded and proper drainage. **Senator Krebsbach:** So that is included in the cost of the \$4.5 million for the two phases you are looking at or the two projects. **Colonel Prochniak:** That is correct. **Senator Krebsbach:** That can count up quite a bit. **Colonel Prochniak:** It can count up quite a bit and we understand that is our best information. **Senator Krebsbach:** Going forward in that particular area then, I am just looking at the next page and that would be the fully developed project for that area? **Colonel Prochniak:** As I had discussed, the master plan and the wish list of the people that were at the table when we were discussing this whole thing is that down the road, we would like to expand this. I mentioned something about BSC's interest in our current facility up at their campus. I was approached by President Skogan. They have the approval to start a Fire Fighting Certification Program as part of their higher education component. However they can't do it until they have a training facility. Our proposal would be to do a collaborative effort between BSC, offer up this site as part of a fire training program as well. We would love to coordinate with all first responders and make this a true training facility for all first responders in the state of North Dakota and not just isolate it down to law enforcement. Those folks were all at the table when we were doing this master planning and dreaming and that's how you get into this Phase 2. We understand that as we break down, Phase 2 should we get into that part of it, that may have to incrementally done as well. So it is quite a leap from Phase 1 to Phase 2. But we thought we would throw that out on the table and let everybody know what we were thinking. **Senator Krebsbach:** So this isn't a for sure, kind of a dream? **Colonel Prochniak:** That is a great way to put it.

Senator Krebsbach: That is probably one of your projects that you are looking at very closely is the reinstatement of those dollars. Then let's go on to what you like next on your items that you would like re-instate. **Colonel Prochniak:** There was quite a bit of discussion in my presentation the other day. We certainly want to start with and it's hard to separate these two, but we have to stay at least at par when it comes to maintaining our FTE's or our sworn officers out on the road. The House had the actual reduction in force; we need to get that back to the base level where we're at today. In addition to that, we certainly understand the FTE's requests for the past several bienniums. That question came up at the initial hearing. We have tried to go for some double digit increases in the past and we didn't get quite the success we had hoped for. So we thought we would try a different approach and let's do something that we had hoped would be a very reasonable request. We know there is an immediate demand; we would have a work load for them right out of the shoot and weren't successful there. We would like to have you consider those three additional FTE's above and beyond getting us to that base level.

Senator Krebsbach: It looks like in the past 2 biennium's, you were seeking a total of 9 and you received a total of 3. Am I looking at that correctly? Or the Executive Recommendation was for 9 and the authorization you follow what I am saying? **Colonel Prochniak:** Yes, I do. **Senator Krebsbach:** Yes the two together. I am taking just the last two sessions or the two bienniums. Yes. You were looking for 27 if we looked at the total of what you were requesting. The Executive recommendation was for a total of 9. I could break it down into bienniums. I guess that might be simpler. **Colonel Prochniak:** I follow your point and you are exactly right in that assessment from the Executive recommendation was the last two bienniums of 2009 and receiving 3 total. **Senator Kresbach:** Your request was for 27. **Colonel Prochniak:** Correct. **Senator Kresbach:** That is a powerful cry from what you're looking for. So you ratched that down to 6, now is yours and the governor recommended 3 and right at this time you have zero. **Colonel Prochniak:** Negative 3. Well they took minus 3 of the existing officers and then denied the 3 that they were asking for. **Senator Krebsbach:** So you're down 6 from what you wanted or recommended. **Colonel Prochniak:** That is correct. **Senator Wardner:** That was that when the governor asked for an 85% budget then they have to come in with an 85% budget and so he to cut it down and show the governor what an 85% budget would look like and that was without 3 officers. That is why the number came. **Colonel Prochniak:** That is correct and how it is reflected and regretfully the House took us up on un-funding issue and removed those 3 positions.

Senator Krebsbach: Aside from the training academy and the FTE's where else do we need to look? **Colonel Prochniak:** The last but not least priority. I don't want to sound like a broken record and the House was very gracious, in consideration of this component of our budget. That is the radio upgrade for our car and the radio that they carry on their uniform belt. It is an officer safety issue, a crucial officer safety issue. We just gave you a snippet of some of the videos but, if I don't come in as an agency director based off the feedback that I am getting from those officers on the field, I am going to have a mutiny. That is a priority and I fully understand it realizing my experience in my previous life was very much on the front lines with those folks. We need to protect them out there. So that upgrade is to adjust the funding which is to add the funding of roughly of \$1.2 Million to upgrade that radio project. It certainly is a priority. Once again, the House did leave that untouched. **Senator Krebsbach:** Is your telling us is to leave that alone too? Is that what you're telling us? **Colonel Prochniak:** I would think so, yes.

Senator O'Connell: When you get the car fully equipped, with the cost of the car and everything, what are talking about \$80,000 someplace in that neighborhood? And then compared to an SUV?

Dave Kleppe: \$26,000 for a SUV, but then the equipment, yes it about doubles the price. It will be more than double the price than the cost of the SUV. **Senator O'Connell:** Between \$55,000-\$60,000?

Colonel Prochniak: It would be an important comment there if I may just elaborate. We are going through, a transition of new vehicles that are coming out. The police industry is not immune to that. We are going to not only Chevy, Dodge, and the big 3 and Ford. They are changing the platforms of their vehicles; the configuration of their vehicles, that is something that is very sensitive to law enforcement. If you can imagine these big old Crown Victoria's is just an icon when it comes to law enforcement. The equipment inside of them is sized for that type of a vehicle. Now when we or the industry changes those fleets, we have to consider changes in our equipment. So we're keeping a very close eye on that. Hopefully that doesn't lead to a cost run up but those are things we have to consider. **Senator O'Connell:** Or does it make the patrol car anymore anyway? **Colonel Prochniak:** They are going to come out with a car the size of Mercury Sable type vehicle, a Taurus, Platform. So they will be changing. We're going to be driving vehicles that look very futuristic, because that is what they are offering will be.

Senator Wardner: Here are my feelings and recommendations on this particular bill. Number 1 re-instating the 3 existing troopers to me is number 1. So I am going to support that and get them back in there. It goes without question, especially in our part of the state, where we have more activity especially from Highway 83 west, and we can't afford to decrease the number of patrolman. Number 2, the new motor carrier positions the ones that are out there doing the weights system. I am going to recommend that we reinstate or put those back into the Executive budget. When the roads are beaten down out there and we people watch that this is not a time to cut back on putting people out there. (Example cited). I feel very strongly that that needs to be done. And then the funding for the weight station repairs goes along with that. Then as far as the law enforcement academy, I think we need to put it back in. They've trained people from all over the state and right now, again, public safety and the colonel mentioned that in his presentation to the committee, public safety is important. This academy trains all of those people. A lot of times they want to go into law enforcement, they are hired off the street and it costs money and they have to train them.

Senator O'Connell: Communications did you mention that the radios and stuff too? **Senator Wardner:** That is already in there.

Senator Krebsbach: Let's go to your first item on that, and I see where you're getting all of this. Right here on the bottom of the green sheet; the mileage, I am concerned about that. Is that sufficient with the price of gas, where its' going?

Colonel Prochniak: We do have some concerns. Obviously as I mentioned at the original hearing, the world events taking place make that market very volatile. The current mileage rate that we we're asked to budget for from DOT, for clarification was \$.61. Thats what our budget

was based off of for our budget request. That is already a decrease of the previous biennium, of \$.64. Now the House has decided to move that down to \$.58. One cent difference for clarification purposes is roughly \$77,000-\$78,000. So we're getting close to a quarter of a million dollars in a 3 cent difference in our budget. The weekend event in 48 hours, the amount of dollars it takes to fund the weekend like that with the overtime, that is not a comparison to mileage but, its astronomical. We're talking nearly \$25,000 in two days that we burned up with a flip of switch, in 48 hours. That is overtime, not operating costs for that storm event. Why do I bring that up and it doesn't seem like its apples to apples. Our agency has the latitude of program budgeting when under field operations, often times it will come up the question, well if there are some savings in the mileage rate, what do you do with some of those savings? This weekend would've been an example. That is how we use it. If we don't use it for those kinds of events, it gets funneled back into the general fund. That's why we're looking conservatively returning \$350,000. That may fluctuate depending on the flood.

Senator O'Connell: We need to put in a higher figure because we have something to argue with on the side. You know they are not going to agree with this 100%, regardless. We should put in a higher figure because it's turned back anyway. It's not going to cost the state anything. But it gives us negotiation power too.

Senator Wardner: We argued until we were blue in the face on this particular issue last time. I am glad it worked out. We had lots of concerns at \$.64. But it worked out. I am glad, but, I think we look at times being a little bit different so.

Senator Krebsbach: Times are being different and then too. But of course if you have more people and vehicles, that will account for more dollars too. We don't know, we could run into another storm. One thing I would like to have, on your operations a complete breakdown of all categories of your operations.

Senator Wardner: I haven't forgotten about the uniforms either. We went around and around on that.

Senator Krebsbach: We just want to be prepared.

Colonel Prochniak: I have the only copy but we will gladly forward this to you and it is a real graphic pie chart, which shows our fixed cost, salaries and everything else and it gets back down to the other operating costs. It also has a breakdown. It's a very easy to read document. That we'll get into ammunition, postage, professional development and software. It will break it down and they you're see where when they make cuts like that where we try to pull those out and why it is reflected in FTE's. This really gets down to the nuts and bolts.

Senator Wardner: The issue was the personal expenses, reimbursement for the officers. That is what this argument the last time was about. I am sure that you may be decided to leave that one on the table. But I don't think it's gotten any cheaper for those people out there.

Senator Krebsbach: And we may not need it, but just in case we would like to be a step ahead.

Colonel Prochniak: We can certainly provide that information; we'll get you copies of this in color form, so it makes it easy for me to read I am sure it will help.

Senator Krebsbach: Do you have any further concerns from your standpoint as to what we should be looking at? **Colonel Prochniak:** Not at this time. We certainly appreciate the support and we hope that you will consider the discussion that we had today.

Senator Wardner: On the mileage, what would you be comfortable with? **Colonel Prochniak:** We would be comfortable with what DOT, they have the information when it comes to market and they make those considerations. So what we budgeted for at the \$.61 we would be comfortable with that.

Senator Wardner: I am ready for the amendments.

Senator O'Connell: I would say \$.64 with the mileage but. **Senator Krebsbach:** As long as there comfortable with DOT is recommending I find that fine, unless you think we need more wiggle room on the bargaining. **Senator O'Connell:** Wiggle room someplace. We pretty much; we haven't given ourselves any wiggle room is what I am worried about.

Senator Krebsbach: They went from \$.61 to \$.58, so if we were going reach a mid compromise we should got to the \$.64. I am not too sure that is the way to go at this time.

Colonel Prochniak: I think it would be important to mention and this may be a topic for conversation later, but hearing some of your discussion back and forth here, we have a situation where I think particularly as it relates to the FTE's that there is some sensitivity there. I understand that, I really do. We currently have 142 officers, a couple of sessions ago they gave us two positions that are un-funded. We have never used those two positions. So what I am getting at, when it gets down to that bargaining issue, we would propose just fund those two positions and if you add one more we can achieve that 3 additional FTE's and on paper it only looks like a one FTE increase to all of their constituents out there. Part of the philosophy behind those two un-funded, they were hoping to give us some leverage to pre-hire in other words. But quite frankly, until we have a letter from an employee saying I am going to be done at such a date, it's very hard to pre-hire. We haven't used that and it's just sitting there and it almost works against us like we have x amount of sworn positions out there. Even though it's dated as 142, we only count on 140. **Senator Krebsbach:** So in other words, what your saying is give us the money for 3 FTE's but add one in name. **Colonel Prochniak:** That is how it would work out and be reflected in documents, because ultimately our final sheet shows that we have 142 sworn officers and we've never gone over the 140 ever, even if we're at full strength.

Senator Wardner: I wasn't aware of those 2 FTE's. We've argued on this budget for two sessions now and I just wasn't aware of them but I think we should go for what we got. If we have to let's keep that for an ace in the hole. We should go for what we got. Let's keep that for an ace in the hole.

Senator Krebsbach: Not only that, it will look like we're funding one person at a very high level. This way we're going to fund 3. And then we can use that as one of our bargaining points.

Senator Wardner: Senator O'Connell is probably right, but we know how it is.

Colonel Prochniak: It's either 142, two unfunded or 140, 2 unfunded but either way there is two positions that are unfunded and we're going to double check and make that clear before we get into a conference committee.

Brady Larson: If I could just run through what the amendments are as I want to double check. There were a few different variations of the mileage rate. The last understanding I had was that you wanted to go to \$.64? **Senator Krebsbach:** Let's go \$.64. **Brady Larson:** And then also restore the 3 positions that were removed from the base budget, the trooper positions as well as the three positions that were removed that were added in the Executive Budget for motor carrier; and then to add funding back for the law enforcement training academy project. **Senator Krebsbach:** And the funding for the weigh station repair, a one-time funding of \$250,000. **Brady Larson:** You wanted that taken out? **Senator Krebsbach:** No, they've added that. Yes, we'll leave that alone. **Brady Larson:** I think that covers it. **Senator Krebsbach:** Are you comfortable with that, or are you uncomfortable with the mileage rate? **Colonel Prochniak:** Very comfortable, and I certainly appreciate that and I know our officers do as well.

Senator Krebsbach: Adjourned the subcommittee at this time.

(After the Hearing the HP submitted Testimony attached # A, Graph and operating expense detail)

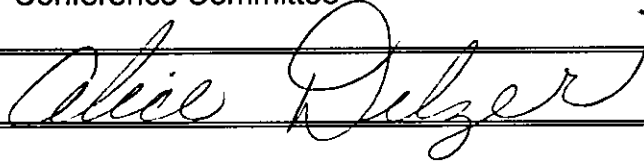
2011 SENATE STANDING COMMITTEE MINUTES

Senate Appropriations Committee Harvest Room, State Capitol

HB 1011
03-29-2011
Job # 16121

☐ Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

A SUBCOMMITTEE HEARING ON THE HIGHWAY PATROL

Minutes:

You may make reference to "attached testimony."

Chairman Krebsbach called the subcommittee to order in reference to the Highway Patrol. Let the record show that all members were present: Senators Wardner, Wanzek, O'Connell. Tad H. Torgerson, OMB and Brady Larson, Legislative Council was also present, as well as members of the HP.

Chairman Krebsbach: Sometimes we act in haste and we learn the errors of our ways. Basically that is why we're back revisiting what we had intended to do with your bill and your entire budget. Actually, there is no change from what we agreed to the last time. Does everyone have a copy of the amendments you need? The amendment is 11.8149.02003. The fact we had added in for the 6 FTE's that remains as it was, and the only change is the fact both the driving range and the firing range were included here and it has been decided that we remove the firing range and have just the course left in the bill. We have to reconsider our amendment we passed in the last meeting.

Senator Wardner: I move that we reconsider our action whereby we pass the proposed amendments to the full committee to highway patrol, that we reconsider it. 2nd by Senator Wanzek. Any discussion on that motion?

Chairman Krebsbach: Any discussion on that motion. Would the Clerk please call the roll. Results were Yea: 3; Nay: 1. The motion passes. Therefore we have the bill as it came to us originally.

Chairman Krebsbach: We now have before you the amendment of 11.9149.02003 is there any action you would like to take on that amendment? Motion from Senator Wanzek to adopt that amendment. 2nd by Senator Wardner.

Chairman Krebsbach: Discussion on the amendment.

Senator Wardner: So we're looking at \$1.99 Million almost \$2 Million is that what it would cost approximately? **Chairman Krebsbach:** Yes, in fact Colonel Prochniak gave me this

information which is a breakdown of the building and the driving range. So the top portion comes to \$1.990 almost \$2 Million. \$1.990 is that what's on the bill?

Senator Wardner: Now, I am visualizing this if we do this and do get this through, then you would be able to have the area set aside so then maybe the next phase would be the shooting range and we could go on? It would be all planned in there? Just like the plans you showed us, that shooting range would still be a part of that plan?

Colonel Prochniak: The final decision we would have to negotiate with the city of Bismarck, to make sure that everything is still in place if we go through with the amended version. I don't anticipate that being a problem.

Senator Wanzek: As I understand it, the only thing that we really removed from the previous amendments is the firing range. Everything else in its entirety is still in the bill including the driving range?

Colonel Prochniak: That is exactly correct. That was a pleasant phone call to receive this morning, thank you.

Senator Wanzek: What Senator Wardner referred to, we're saying maybe a planned strategy may be delayed for the moment, but in the property you secure, there may be future plans in anticipation of developing it maybe in the next biennium.

Colonel Prochniak: That is exactly correct. We are always looking to the future and we certainly have those plans.

Senator Wanzek: Well, I think that is a good strategy anyway, thinking ahead I guess. It is always good.

Senator O'Connell: Basically this plan was over the next 4 years to Bismarck State College to take over the building. If we do it this way, it kind of pushes it back 6 years rather than 4 years. Is this the kind of scenario we're going on with the college?

Colonel Prochniak: That potential certainly does exist. I guess we don't know what the future is going to bring. However, in visiting with the folks at BSC, they understand the process, they are very well aware that these things do take time. They also understand that if we're able to even achieve this step that it is a step in to the right direction for what we are trying to plan for in the future.

Chairman Krebsbach: I did visit with Colonel Prochniak prior to doing this amendment or having it drafted. I wanted to have his feelings, as to which is the most important because in dollar value they are almost the same. They are pretty close to \$2 Million each. At the same time, it was uppermost in my mind that there is a safety factor at Bismarck State College in this training and I feel that is something that is probably very important.

Colonel Prochniak: If I may add a little bit to that response. It is exactly correct. The other thing I think I mentioned that at our last subcommittee meeting, if it were today, and we approached not only the city, and or Bismarck State and asked them to use one of their

parking lots as a driving pad, I doubt we would get that approval. I really do because of those very reasons.

Senator O'Connell: If this is a negative vote on the subcommittee does that hold you back from serving on the conference committee? Or is that just in the full committee? I cannot remember.

Chairman Krebsbach: I can't answer that completely, but maybe Brady, his response is no. I don't think it would affect. **Brady Larson:** Only on the full committee.

Colonel Prochniak: I appreciate the amendments and the consideration, I truly do. I just think that it should be noteworthy to say that the numbers as in the information or letter that I presented are preliminary. They our best estimate, we certainly hope that we're close to that mark. The master plan did have some figures that were higher than that, but as I had indicated in my original testimony in front of the full committee, that is a Master Plan with the best options available, so we hope that we can look at that and streamline things and address what we need in that EVOC pack

Chairman Krebsbach: As I recall your dream for this whole proposal is to have it developed there and to move the training facility as well in time.

Colonel Prochniak: That is exactly correct, that is what we would be looking at.

Senator Wanzek: I am wondering as far as the property is that the cost of purchasing the property in the budget?

Colonel Prochniak: I did a presentation in front of the Bismarck City Council, and they voted to deed the land at no cost as long as we develop it in the fashion we are talking about this morning. **Senator Wanzek:** You can't get a better deal than that, can you? **Colonel Prochniak:** That's what made us very receptive to trying to include this in our projects.

Senator Wardner: Before we vote on this, Senator Christmann came to me with an issue. We need to run it by you and see what you think as well as the committee. It has to do with load restrictions. I'll try to explain it. At first he thought it should go on the DOT budget, and maybe it should. This has to do with overweight vehicles. From the way I understand it, you are picked up and your overloaded, you've got to sit and if you can't pay the fine, you sit until you can. What he was looking at is loads of less than 8,000 pounds if you're below that you would be like getting a speeding ticket. You get the ticket, go on your way, and pay it later. Now I don't know how it works and we're open to any comments. Of course this came from some of his livestock constituents and agriculture people.

Senator Wanzek: The way I see this, is say your licensed for 80,000 and if they are 88,000 or less they would get fined and be allowed to move on to their final destination. I always understood if it's a load that's easily divisible it has to be right then and there, reduced. Where if it's a load like a turbine or something it's not easily divisible. You can pull so many bushels of grain off; cattle might be a difficulty but I can bet if they once got fined and had to sit there, they would make sure they don't overload it next time. I am not sure how I feel about this.

Colonel Prochniak: Not having a chance to take a look at this in advance, I think there are a couple of things that I would break down in that Section 2 as far as questions. The 8000 pounds, somehow that number must have been thought of because in essence we can get 10% increases to haul these types of loads. So for a majority of your trucks 8,000 pounds would be the 10% increase. So that reasoning I understand. As far as how we handle these loads, currently, Senator Wanzek, your example is very correct. If they can adjust that load there, and they have that capability, we ask them to do that. If they cannot, often times the officers exercise that judgment. We let you get to the next community or whatever you have to do, to either stage that vehicle so you can make those adjustments, or get to that community and off load or do whatever you have too. There are some teeth in that if you may consider that part of the assessment as far as the penalty. One thing I noticed in the very last line, that it talks about reducing the load, it must be allowed to pay the fee to the appropriate law enforcement agency within ten days. That is a little bit tricky. Because now we're turning into a collection agency and we would have to do follow up in order to make sure that is collected. Trying to get a hold of some of these folks, as the superintendent, I would be concerned that we are chasing a needle in a haystack at times. Often times you have the driver with the truck but it's not the owner who's ultimately writing the check. Where do we start going to find out who is in charge of this, where are they at, so we have an issue at chasing down those dollars and assessing those penalties? I also think before I get back to the weight amount, that the DOT might have a say in this and as far as their infrastructure and what these roads can or cannot handle. Also, if there are some strict issues when it comes to that, I would hate to miss that piece of the puzzle?

Senator Wardner: We are not ready for it, and we want this budget to move on, and I would say we'll do some more research on this and maybe bring it up in conference committee over on the DOT or here or wherever it works out.

Senator Wanzek: I actually had a personal experience regarding this issue where we contracted with Cargill to handle a certain amount of barley, certified seed. And they it brought it down from Canada, and they were on trucks (the B trains) and they were legal all the way down the interstate, all the way to the Windsor exit west of Jamestown. But when they got off the exit on the frontage road they got stopped. To make your point, Captain, they were the drivers of a company that was contracted by Cargill; they weren't the owners, those trucks sat there for two days. I had to buy those guys lunch a couple of times, but they wanted me to pay the fine and I just contracted with Cargill. I had nothing to do with the trucks but, to make your point; they sat there for two days until the owner finally was willing to wire the money to Stutsman County.

Colonel Prochniak: That is a great example and this is a company out of Canada. We would have no jurisdiction to collect that fee. The other issue here is since this is a civil penalty, and its handled by the local prosecutors at the county level, they may say we're not going after that, were not going to take the time to go after that. If they aren't giving you those dollars and signing that waiver immediately, for that overload to collect that fee, we're not going to take the time. I know that is one of their arguments, this session, about the counties trying to get some of those dollars for their infrastructure. The county prosecutors are saying, we're investing all this time for these civil fees and we see nothing for it. So, it could be a slippery slope.

Senator Wanzek: Their fine was \$10,000. They wanted me to pay it.

Senator Wardner: I would appreciate if you write up some things about this so we can give it to Senator Christmann, and then the other thing, he says that is was supposedly for North Dakota people only, it would only apply to North Dakotans, not anybody from another state. Maybe you can't do that. **Chairman Krebsbach:** I don't think so.

Colonel Prochniak: I think it would be pretty difficult. I think we will also include any federal highway concerns from the federal level if these loads are on their roads. We would be glad to get their response.

Chairman Krebsbach: It appears to me it is a much more complicated issue than what we can handle in a subcommittee. It needs a hearing so all parties involved can have their say.

Senator Wardner: Is it true, I've heard in some cases that there are only 1,000 pounds a guy opened the trap door and dumped a 1000 pounds, is it true?

Colonel Prochniak: Usually a 1,000 pounds is built into our policy. But the example that you cited, we have had people dump. Absolutely! Ultimately, if they dump enough or when they can't get it shut, we have to get DOT out there to clean the surface.

Senator Wardner: In Casselton, there was an example where they actually dumped the corn distillers' grain and there was an accident as a result of it.

Colonel Prochniak: You are exactly right. We had that issue right on the interstate.

Senator O'Connell: I believe we should leave this off. I don't want to muddy the water on this anyway. I think we're going to have enough trouble with the House on it anyway. I will vote for it now. I think to put the Senate in a stronger position so we don't lose anymore than what we've got here. To show that we're united on this bill, I don't like to give up that part, but, to keep our position stronger I will.

Chairman Krebsbach: The committee would accept a motion on the amendment .0203. We have it already. Then would the clerk call the roll on that motion to adopt that amendment to House Bill 1011. The vote was Yea: 4; Nay: 0. Motion carried.

Chairman Krebsbach closed the hearing.

Date: 3-29-11
Roll Call Vote # 1

2011 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1071

Senate Subcommittee Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number

Action Taken: ☐ Do Pass ☐ Do Not Pass ☐ Amended ☐ Adopt Amendment *Reconsider Action whereby we pass the proposed amendment to the full committee*

☐ Rerefer to Appropriations ☐ Reconsider

Motion Made By Wardner Seconded By Wanzek

Senators	Yes	No	Senators	Yes	No
Chairman Holmberg			Senator Warner		
Senator Bowman			Senator O'Connell		
Senator Grindberg			Senator Robinson		
Senator Christmann					
Senator Wardner					
Senator Kilzer					
Senator Fischer			<i>Krebs</i>	<i>✓</i>	
Senator Krebsbach			<i>Wanzek</i>	<i>✓</i>	
Senator Erbele			<i>Wardner</i>	<i>✓</i>	
Senator Wanzek			<i>O'Connell</i>		<i>✓</i>

Total (Yes) 3 No 1

Absent 0 *Passed*

Floor Assignment

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

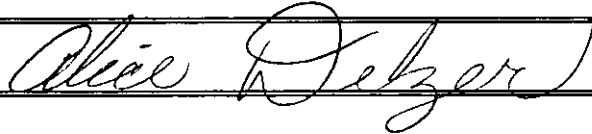
2011 SENATE STANDING COMMITTEE MINUTES

Senate Appropriations Committee Harvest Room, State Capitol

HB 1011
03-30-2011
Job # 16162

☐ Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

DISCUSSION ON HB 1350; ROLL CALL VOTE ON HB 1011 – HIGHWAY PATROL

Minutes:

You may make reference to "attached testimony."

Chairman Holmberg called the committee to order in reference to HB 1350 and 1011, both Highway Patrol budget bills. Tad H. Torgerson, OMB and Becky J. Keller, Legislative council were also present.

Senator Krebsbach: There are two bills concerning the Highway Patrol budget. They are HB 1011 and HB 1350. They are the same so we should decide which way we want to go.

Chairman Holmberg: Let's open that discussion on 1350. If you recall, 1011 is the budget as presented by OMB and then 1350 is the same budget, it is just presented in a different format. We can go either way. It's up to the committee what we want to do and we've had discussions that folks like the format in 1350 and others don't like it so let's decide which way to go.

Senator Robinson: If the decision is to go to the new format, are we suggesting that we would do that in all bills or just a couple but for the next session.

Chairman Holmberg: that's a decision, again, is made by the budget section through their recommendations how budgets should be presented to OMB that's done prior to the session so that OMB will prepare the budget as we ask them too. By prepare the budget, I mean prepare the bills. Have the bills prepared in that manner.

Senator Christmann: I think this is an interesting concept. I kind of like it. I do think it has enough merit that on a relatively simple bill like this I think we ought to play the cards out on one bill and let it go through the process so it can be completely evaluated by the budget section and legislative management over the next two years and make a completely informed decision by seeing if this runs into any trouble before it's all over. I'd a lot rather find out on one than maybe have the budget section decide to do this for next biennium and here we have every bill done this way and there ends up being a problem. So I hope we will try this with one and go the 1350 route.

Senator Krebsbach: I have tried to analysis this myself and I think it's confusing to do just one bill. I think if a decision is made to go that route it should be made early on and all bills be done in the same manner. I am even looking for Council, they probably have different formats that they use for the different bills and if we start doing this at this point I find it rather confusing. I prefer to stay with the other, but that's me. I am only one.

Senator Fischer: Maybe one option that's left that hasn't been talked about is maybe we should do both of them, and then actually decide which one is going to be the bill and the other one gets followed behind and OMB and Council could have the other bill run with it in their office and we could copies of it to see the differences. In other words, it doesn't have a bill #.

Chairman Holmberg: We have the two by side right now. I think it behooves this committee to make a recommendation on the format rather than leaving it to the whim of the floor. Maybe I am misreading what you are saying.

Senator Fischer: I wasn't going to leave it to the whim of the floor, in other words, decide it here which bill is the bill but keep the other one in play, not as a bill, but as a format so we can see the difference between the two as it moves along. Isn't that what we are trying to do? Or am I confused?

Chairman Holmberg: Now I am. Do we have anyone else that wants to weigh in? And then we are just going to ask an awkward question. OK. This is the awkward question. We are going to ask you to raise your hand which one you want to do first and whichever one you want to do first that's the one that will be the vehicle and then if that one passes with the amendments that the subcommittee has then the other one should be put on the calendar immediately after that for disposition but not a recommendation of passing both on the floor. Here is the question, you don't have to put your head down, because this is an open meeting, all who want to utilize the traditional, I'll call 1011 the traditional format, who want to use that as the vehicle for the Highway Patrol, raise your hand - 6. How many want to use the new format, raise their hand , how can it be 6 -6. Who didn't vote? Put your heads down and I'll count. How many want to use the traditional method, raise their hand - 7. That's a majority so we will open up 1011. (Meter 6.58)

Senator Krebsbach: The amendments and the changes to the amendments go to page two of amendment # 11.8149.02003. We changed the funding for the mileage for the Highway Patrol vehicles. The governor's recommendation was 61 cents, the House took that down to 58, they are currently at 64, and that's where we decided it would be best to leave it for now. That does increase the dollars somewhat but at the same time I think we're building in some protection and we are gaining some bargaining power because we know we are going to need it. The next area is we added the 3 new FTE carriers, these were positions removed by the House, we are restoring those and they came with very good cause and reason why they needed these people so we decided it's best to put them in now. Also, item #3, the 3 FTE troopers, and I think you heard earlier where they would be located in Fargo, in the western part of the state and in Minot. Then the 4th area is funding is restored for the emergency vehicle operations course. As you recall, the House removed all of that portion of the bill which included the course and also the indoor shooting range. It is not the rifle range, it's the indoor shooting range. We decided for now it would be good for them to get the operation course as there is great need for this area for training of the law enforcement throughout the state,

including the local police departments, the sheriff and I'm not too sure if the emergency vehicle people use it but it wouldn't hurt for them to have training there as well. And then the other part of it we decided that can wait until they get it established. As you recall there has been land granted for this entire project by the city of Bismarck and that will be made available in the eastern part of the city somewhere, he is sending me the information as to exactly where this is and the details of the granting of the property from the city of Bismarck, that is the city manager. That concludes the amendment.

Senator Krebsbach moved the adoption of amendment #.11.8148.02003 on HB 1011.
Seconded by Senator Erbele.

Senator Christmann: I can't understand adding the troopers that they didn't even request.

Chairman Holmberg: You can have a commentary and then we certainly, it's very appropriate to take footnote #3 and vote on that separately.

Senator Wardner: I'd like to comment to that. When the governor asked for the executive budget, he asked for an 85% budget. So they cut it back to 85%; what would it have looked like at 85%? That's when the 3 troopers were taken off. It isn't that they didn't want them, they wanted them, they just followed the orders of the governor. Well then when they started building the budgets, then they were put back in, and that's where it came in that the DOT didn't want them, well, they did want them, they were just following orders. And I would like to make sure if I'm not explaining it correctly, I want Tad to correct me so my information is right. Well then, they were back and they asked for 3 others which were specialists for truck regulatory, motor carrier positions, so the 3 FTE's for the patrol are three that they already have but they are not asking for any additional ones for their regular troopers.

Tad H. Torgerson: Those 3 troopers were removed as part of the hold even budget, because the Highway Patrol is, the majority of what they have is in the field operations is troopers and the operation expense to have those troopers out on the highway, that is what they did in order to get into our hold even budget, but then they requested those back in the optional package and we felt that keeping troopers on the road was pretty important so that's why we included the executive recommendation. Senator Wardner is correct, they did ask for those positions.

Senator Christmann: What's the longest of those 3, how long has it been vacant?

Tad H. Torgerson: I am not sure. I think in the testimony that they said they have currently 6 vacancies, and currently, I am not sure what the vacancies were when they put the budget together and they use those when they get ready to do their training academy, it starts in May or June, whatever vacancies is what they fill up their academy with.

Senator Krebsbach: As I recall it is a fact that as soon as the training is complete those positions will be filled. Further, I want to say that I have never seen a time on this budget where we've had the outpouring from the local police and the sheriff's department that we heard and basically what's happening that is in the past they've been able to pick up some of the slack that has been needed for Highway Patrol, but at this time, they're not. They are all to the hilt in their own areas with needs that are happening so I truly think the request for the people is well deserved and they should be granted because the need is there.

Chairman Holmberg: Any additional. Ok, do you want to split them out? (He was told no) Would you call the roll on the amendments #.02003.

A roll call vote was taken on amendment #.02003 on HB 1011. Yea: 12; Nay: 1; Absent: 0. Motion carried.

Senator Krebsbach moved a DO PASS AS AMENDED. Seconded BY Senator Erbele.

A ROLL CALL VOTE WAS TAKEN ON A DO PASS AS AMENDED ON HB 1011. YEA: 12; NAY: 1; ABSENT: 0. Senator Krebsbach will carry the bill on the floor.

The hearing on HB 1011 was closed.

(Right after this hearing they did take a roll call vote for a Do Not Pass as Amended on HB 1350 which is on Job # 16165)

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1011

Page 1, replace lines 10 through 16 with:

"Administration	\$2,926,419	\$235,883	\$3,162,302
Field operations	37,198,354	4,821,472	42,019,826
Law enforcement training academy	<u>1,496,942</u>	<u>2,096,727</u>	<u>3,593,669</u>
Total all funds	\$41,621,715	\$7,154,082	\$48,775,797
Less estimated income	<u>10,893,730</u>	<u>984,719</u>	<u>11,878,449</u>
Total general fund	\$30,727,985	\$6,169,363	\$36,897,348
Full-time equivalent positions	194.00	3.00	197.00"

Page 2, after line 1, insert:

"Emergency vehicle operations course 0 1,990,002"

Page 2, replace lines 3 through 5 with:

"Total all funds	\$280,000	\$3,477,002
Total special funds	<u>0</u>	<u>419,700</u>
Total general fund	\$280,000	\$3,057,302"

Page 2, line 11, replace "\$4,849,220" with "\$5,378,886"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

House Bill No. 1011 - Highway Patrol - Senate Action

	Executive Budget	House Version	Senate Changes	Senate Version
Administration	\$3,159,842	\$3,157,382	\$4,920	\$3,162,302
Field operations	41,539,957	40,258,516	1,761,310	42,019,826
Law Enforcement Training Academy	5,692,488	1,601,309	1,992,360	3,593,669
Total all funds	\$50,392,287	\$45,017,207	\$3,758,590	\$48,775,797
Less estimated income	<u>12,100,404</u>	<u>11,348,783</u>	<u>529,666</u>	<u>11,878,449</u>
General fund	\$38,291,883	\$33,668,424	\$3,228,924	\$36,897,348
FTE	197.00	191.00	6.00	197.00

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

	Adjusts Funding for State Fleet Mileage Rates ¹	Restores New Motor Carrier Positions ²	Restores Trooper Positions ³	Restores Funding for Emergency Vehicle Operations Course ⁴	Total Senate Changes
Administration	\$4,920				\$4,920
Field operations	459,738	733,688	567,884		1,761,310
Law Enforcement Training Academy	2,358			1,990,002	1,992,360
Total all funds	\$467,016	\$733,688	\$567,884	\$1,990,002	\$3,758,590
Less estimated income	102,090	95,379	73,497	258,700	529,666
General fund	\$364,926	\$638,309	\$494,387	\$1,731,302	\$3,228,924
FTE	0.00	3.00	3.00	0.00	6.00

¹ Funding for State Fleet Services mileage is increased to reflect an estimated mileage rate of 64 cents per mile for Highway Patrol vehicles. The executive recommendation provided funding for an estimated mileage rate of 61 cents per mile, and the House reduced funding to reflect an estimated mileage rate of 58 cents per mile.

² Three new FTE motor carrier positions and related funding removed by the House are restored.

³ Three FTE trooper positions and related funding removed by the House are restored. The positions were removed in the agency budget request and restored in the executive recommendation.

⁴ Funding is restored for an emergency vehicle operations course removed by the House. The executive recommendation included funding for an emergency vehicle operations course and indoor shooting range which were removed by the House.

This amendment also adjusts Section 2 to provide that funding for the emergency vehicle operations course is one-time funding.

Date: 3-29-11
Roll Call Vote # 2

2011 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1011

Senate Subcommittee Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number 11. 8149. 02003

Action Taken: ☐ Do Pass ☐ Do Not Pass ☐ Amended ☐ Adopt Amendment
☐ Rerefer to Appropriations ☐ Reconsider

Motion Made By Wanzek Seconded By Wardner

Senators	Yes	No	Senators	Yes	No
Chairman Holmberg			Senator Warner		
Senator Bowman			Senator O'Connell		
Senator Grindberg			Senator Robinson		
Senator Christmann					
Senator Wardner			<u>Krebsbach</u>	✓	
Senator Kilzer			<u>Wardner</u>	✓	
Senator Fischer			<u>Wanzek</u>	✓	
Senator Krebsbach			<u>O'Connell</u>	✓	
Senator Erbele					
Senator Wanzek					

Total (Yes) 4 No 0

Absent 0

Floor Assignment _____

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

Date: 3-30-11
Roll Call Vote # 1

2011 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1011

Senate Appropriations Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number 11.8149.02003

Action Taken: ☐ Do Pass ☐ Do Not Pass ☐ Amended ☒ Adopt Amendment
☐ Rerefer to Appropriations ☐ Reconsider

Motion Made By Krebsbach Seconded By Erbele

Senators	Yes	No	Senators	Yes	No
Chairman Holmberg	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Senator Warner	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Senator Bowman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Senator O'Connell	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Senator Grindberg	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Senator Robinson	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Senator Christmann	<input checked="" type="checkbox"/>	<input type="checkbox"/>			
Senator Wardner	<input checked="" type="checkbox"/>	<input type="checkbox"/>			
Senator Kilzer	<input checked="" type="checkbox"/>	<input type="checkbox"/>			
Senator Fischer	<input checked="" type="checkbox"/>	<input type="checkbox"/>			
Senator Krebsbach	<input checked="" type="checkbox"/>	<input type="checkbox"/>			
Senator Erbele	<input checked="" type="checkbox"/>	<input type="checkbox"/>			
Senator Wanzek	<input checked="" type="checkbox"/>	<input type="checkbox"/>			

Total (Yes) 12 No 1

Absent 0

Floor Assignment _____

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

Date: 3-30-11
Roll Call Vote # 2

2011 SENATE STANDING COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. 1011

Senate APPROPRIATIONS Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken: ☒ Do Pass ☐ Do Not Pass ☒ Amended ☐ Adopt Amendment
☐ Rerefer to Appropriations ☐ Reconsider

Motion Made By Krebsbach Seconded By Erbele

Senators	Yes	No	Senators	Yes	No
Chairman Holmberg	✓		Senator Warner	✓	
Senator Bowman	✓		Senator O'Connell	✓	
Senator Grindberg	✓		Senator Robinson	✓	
Senator Christmann		✓			
Senator Wardner	✓				
Senator Kilzer	✓				
Senator Fischer	✓				
Senator Krebsbach	✓				
Senator Erbele	✓				
Senator Wanzek	✓				

Total (Yes) 12 No 1

Absent 0

Floor Assignment Krebsbach

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** (12 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1011 was placed on the Sixth order on the calendar.

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2011 HOUSE APPROPRIATIONS

CONFERENCE COMMITTEE

HB 1011

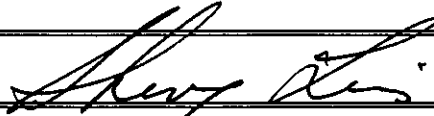
2011 HOUSE STANDING COMMITTEE MINUTES

House Appropriations Government Operations Division
Medora Room, State Capitol

HB1011
April 12, 2011
Recorder Job# 16525

☒ Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

A Bill for an Act to provide an appropriation for defraying the expenses of the highway patrol.

Minutes:

Chairman Kempenich: Opened the conference committee on HB1011.

Roll call was taken and all members were present.

Brady Larson, North Dakota Legislative Council: Explained the changes on the SPA.

Representative Thoreson: I'd like to perhaps start on the estimated mileage rate at \$.64 per mile. We had gotten into an extensive discussion about that on the house side and thought perhaps the executive branch was a bit high on that and I was interested to find out why the senate made the change to go up to \$.64.

Senator Krebsbach: We know the cost of operation is going to be greater in the next few months ahead of us and we do not see a reduction in the price of gasoline coming. Much of the operations of the highway patrol consists of that. Therefore, we thought \$.64 was a more realistic figure to have.

Representative Thoreson: Do you recall when this amount goes in what they estimated for gasoline prices into the number, I'm trying to figure out what state fleet or the highway patrol is looking at as their best guess for the price of gasoline during the next 2 years.

Senator Krebsbach: I think the recommended amount was \$.61 and you brought that down to \$.58. It's strictly the fact that right now we know what we're facing and I just feel in that area we're better being a little over funded than under funded. If they don't use it fine, it just gets returned back in the next session.

Chairman Kempenich: When the patrol came in they started at \$.68 and we wound up at \$.64 as a mileage rate. One of the things also was when we were looking at the spend down there was quite a bit of carryover when you looked at the fleet operations side of the

coin. They were only projecting \$350,000.000 of turnback; it was in our feeling that we could have been a little closer even last session than what the numbers were based on.

Senator Krebsbach: You had removed 6 positions; 3 troopers and 3 carrier positions and we added those; therefore there was justification for more dollars in that area.

Chairman Kempenich: What we looked at on the house side was that the trooper positions; some of the existing positions had been open up to 12 months. The house side felt they didn't need all 6. One of the concerns I have about the motor carrier part of this, if they're MCSAP troopers, road enforcement is not a major part of their duties; it's more truck inspections. I had the feeling that the federal part of this is more of what they were going to do than road protection.

Senator O'Connell: We're trying to protect our roads out west with those 3 positions. His troopers are out there and putting in all kinds of overtime, they're getting burnt out there and we need some relief before we start losing good people. It's quite a ways away before the next graduating class to replace these troopers.

Colonel James Prochniak, Superintendent, North Dakota Highway Patrol: The graduating class would finish about the 3rd week in December. We start the first week in July.

Senator Krebsbach: We do know the activity has greatly increased in western North Dakota. I think within the testimony from Colonel Prochniak there was an extreme amount of truck count in certain areas of the state. From 2002 1,996 vehicles to 2010 5,557 vehicles. That's an extreme amount of additional vehicles that need to be inspected and checked.

Chairman Kempenich: The question is that in the past we've tried to target troopers and sergeants and keep their wages decent. We didn't address any of that this session as far as where that's at. Are the motor carriers federal funded or general fund positions?

Colonel Prochniak: They are not federal positions. They are motor carrier officers which deal with size and weight general funding.

Representative Thoreson: On the EVOC course, you've added that back in and not the shooting range? I'm trying to find out what the senate's justification was for choosing one over the other in those 2 areas.

Senator Krebsbach: The justification was visiting with a number, including the highway patrol, our leadership and others. What they were requesting was the firing range and the EVOC. We felt because of the fact that the training and the need for the emergency training, that not only goes for training, instruction, and certification for the highway patrol; but it's for all areas of law, including the local police and sheriff's departments. The need for the training in this area is instrumental for the safety of our people in the state.

Senator O'Connell: Where they're doing the driving course in the parking lot up there is extremely dangerous and I don't how much longer they'll let them continue up there. It's a safety factor to the general public.

Chairman Kempenich: One of the things that was brought to our attention on the shooting part of it there's indications that Grand Forks had an excellent gun range. Granted there's travel involved but Bismarck isn't the center of the universe on these things and that's one of the things we wanted to talk about a little more. I know there's some conveniences and inconveniences on doing this and that's some of the things that was on our minds when we pulled some of this out. You have troopers that also do weight enforcement to a certain extent also. I find it ironic at looking at road enforcement when looking at 7 or 8 years ago that wasn't one of the priorities of the patrol. What I'd like to see when they do this is it's an enforcement matter and yet I think there needs to be a balance there also. I think for the most part that people try to run legal and it's not so much the heavy weights but the amount of traffic that's the bigger picture on the whole thing.

Senator Krebsbach: I think things have changed dramatically from 7 or 8 years ago. We concentrate an awful lot on the western traffic and we can't forget that in the eastern part of the state they're dealing with enormous amounts of increase in traffic as well.

Chairman Kempenich: That's what we're trying to balance everything out across the state. What was indicated to us was that there was a couple of trooper positions targeted towards Williston and Minot. Where were you looking at the third position?

Colonel Prochniak: What we would like to do is that Watford City/Killdeer area, housing is a premium there, so we would leave that pretty open to wherever that officer could find available housing.

Chairman Kempenich: But it was pretty much in the northwest part of the state for all 3 of them?

Colonel Prochniak: That's correct. We were looking at Minot, Williston, Dickinson, Killdeer; any of those locations where they could find that housing.

Senator Krebsbach: The question was asked why we chose the EVOC course rather than the shooting range. I felt also when we looked at the whole situation that there were other options, even locally, for the firing range. I'm wondering if you're comfortable with us adding the EVOC track.

Chairman Kempenich: We're going to talk about it; it is an issue. I think we're going to have to visit a little more to know where we want to go with it. We thought it was a little high priced for what it was. It's a big lot and I know there's more to it than that. We're probably going to have to visit a little more if we're going to do too much in that direction.

Senator Wanzek: One thing that stood out to me was the price was right on this deal. If we don't use it do we still maintain access or ownership of the land?

Colonel Prochniak: We will have access to that land as long as we develop it in the manner of training and firearms, etc.

Chairman Kempenich: I think I'd like to talk to some people and get a little more input. The troopers are one thing, the mileage I think we can come to some arrangement, eventually, on that.

Senator Wanzek: I guess what stood out to me was when I looked at the average daily count. When I started doing the math by New Town going from 141 trucks to 1,217 trucks. When I do the math, that's one truck nearly every minute going down that road.

Chairman Kempenich: I think what we've seen here is at some point it's going to hit a natural plateau. The biggest thing is for the next couple of years and you have to look at it in a little longer term. We have something that will happen in the next 4 or 5 years. I think what we're doing on the roads when you look at that kind of traffic, we're going to have to maintain, I don't think we're going to improve anything especially where you see that kind of traffic.

Senator Krebsbach: I think what we've heard is troopers and officers that are being required to work many hours and the overtime is getting to be a lot of the situation also. I think these are issues that need to be addressed in this whole area as well.

Chairman Kempenich: Closed the conference committee.

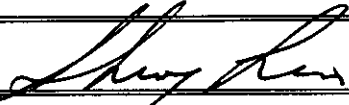
2011 HOUSE STANDING COMMITTEE MINUTES

House Appropriations Government Operations Division
Medora Room, State Capitol

HB1011
April 14, 2011
Recorder Job# 16596

☒ Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

A Bill for an Act to provide an appropriation for defraying the expenses of the highway patrol.

Minutes:

Chairman Kempenich: Opened the conference committee on HB1011.

Chairman Kempenich: Housing is an issue in the northwest part of the state. I don't know how the committee looks at this or how to solve this. Maybe we should have a conversation about buying a manufactured home for temporary housing in these areas until they either establish residence or do something that way. One thing with manufactured housing, it's a titled unit it's like buying a vehicle. We did put in \$250,000.00 for weigh station maintenance and it was indicated the other day that if they can find housing; if we do add these positions in.

Senator O'Connell: As you recall in DOT's budget, we did put money in for people that are in the higher cost of living.

Chairman Kempenich: I don't know how we'd handle it if we want to stick it into extraordinary expense. I think the intent is to have them placed someplace this year. We've been getting emails from people in the Watford City area; I think there is somewhat a problem. I don't think the house has a problem moving the 3 positions that were back in; whether they be troopers or weigh scale. I think we do need to keep the numbers down. The 2 are probably justified around the Williston or Minot area. I stated my frustrations the other day with this weight business and we went around with that 7 or 8 years ago. I'm a little frustrated, things have changed granted; but I think the house would be comfortable on that. I think we should see how this works in the interim. The mileage part of it and it's not really going to change the budget that much.

Representative Thoreson: I certainly think the \$.64 a mile is not quite where we need to be. The house had taken it down to below what the executive recommendation was of \$.61. I would be comfortable moving it to the executive recommendation or close to it. But, I'm not certain that we need to go over the \$.61 per mile.

Senator Krebsbach: We heard Representative Thoreson say that he would be willing to go to the executive budget.

Chairman Kempenich: The next issue is the training academy and the EVOC course.

Senator Krebsbach: You said 3 positions and we were actually looking at 6. I think we need to very seriously take a look at this because we know that the increased traffic just requires a whole lot more. I received some information the other day and I don't know if this has been shared with you or not. For a one week period in truck saturation in breakdown from 4 troopers, they gave the weight limits, amount of vehicles. There were 12 overloads, 16 trucks weighed, 5 citations, and 11 Aspen inspections. I think more important than that is the dollar amount that was collected from these figures. For that one week period \$47,730.00 was collected. The overtime is another issue that we're dealing with there. I'm strongly thinking that we need to restore these 6 positions.

Senator O'Connell: We're looking at safety out there is one thing and wear and tear on roads.

Chairman Kempenich: This goes to the road fund.

Senator O'Connell: You're right.

Chairman Kempenich: The 3 positions we can probably agree on; 2 possibly. I'd like to see how this rolls out. Like I said, a few years ago this wasn't a priority and the discussion came out about sworn officers doing weight enforcement. I think if this is the intent we need to look at this in a bigger scale.

Senator O'Connell: That might be a compromise part because I think there was in the budget the pull behind scales. Plus I remember the colonel mentioning that they won't be out until December.

Senator Krebsbach: I would like to hear more from the patrol if we can use just a general citizen type of person to do that type of a job and exactly what functions they perform other than just weighing.

Chairman Kempenich: There are a few civilian employees left but it is mostly sworn officers.

Senator O'Connell: Have you been out where they're using the driving range now?

Representative Kempenich: I've been out to the BSC campus in the past; it's a parking lot.

Representative Thoreson: I understand the need to train the officers and have a safe position to do so. I've been trying to see if there's some other way. If we have officers throughout the state if there would be some opportunity to do something in both the central/western part of the state and the east where there might be existing spots. I have a call into a couple of places and haven't had a return. I'm just seeing if there might be

something to do other than to build an entire new facility. I would like to have maybe one more opportunity to talk to others before we make any decisions on that issue.

Senator Krebsbach: There was a question on how we came up with the dollar amount. See attachment 1011.4.14.11A.

Representative Glassheim: So this is just the driving part and not the shooting?

Senator Krebsbach: We found the driving range seemed to be the greatest need at this time.

Senator Wanzek: There's an opportunity to get property for nothing and it would offer enough room and potential further down the road if we get to where there does need to be something done about a range. My concern is that if we don't give it a serious look we may lose this opportunity.

Senator O'Connell: Can I ask the colonel a question? I can't remember how many days it takes for the people going through the academy; I worry that it takes 3-5 days out on the course and you'd have to be away from the academy.

Colonel James Prochniak, Superintendent, North Dakota Highway Patrol: It's a week process; whether that be basic or highway patrol academy. They conduct the shooting, driving and defensive tactics during that segment of the training.

Senator Krebsbach: Is there some classroom training involved also with the week long training?

Colonel Prochniak: There is some briefings and limited classroom; but the rest of that is all on site.

Representative Glassheim: There's \$258,000.00 of income; what is that from and is that's likely to continue?

Senator Krebsbach: For each person that takes the training there is a fee that their department pays for and in some cases individuals may pay for this.

Tad Torgerson, North Dakota Office of Management and Budget: That's highway fund because that project was split between the general fund and the highway fund; with normal distribution that have for most of that operation. I believe it's 87% general fund 13% highway fund.

Chairman Kempenich: So that's part of that \$5 million?

Tad Torgerson: That's correct.

Chairman Kempenich: What do you charge officers or troopers, I'm sure there's no cost to that; what about other jurisdictions?

Colonel Prochniak: The officers that attend, not just ours but throughout the state, there is not a charge or fee base.

Chairman Kempenich: Closed the conference committee.

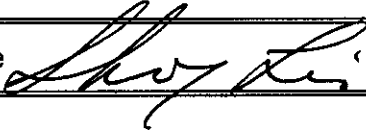
2011 HOUSE STANDING COMMITTEE MINUTES

House Appropriations Government Operations Division
Medora Room, State Capitol

HB1011
April 25, 2011
Recorder Job# 16861

☒ Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

A Bill for an Act to provide an appropriation for defraying the expenses of the highway patrol.

Minutes:

Chairman Kempenich: Opened the conference committee on HB1011.

The clerk took the roll and all members were present.

Chairman Kempenich: Explained amendment 11.819.02005.

Senator Krebsbach: Senator O'Connell as you know the language is included for section 5 for a study on this project and I think that the parties that are concerned about are all in agreement with what we're doing now.

Senator Wanzek: I saw an opportunity with the driving; and can envision someday when it will be centrally located. I saw it as an opportunity, but if they're in agreement and willing to consider studying and looking at it in the next interim that's fine.

Representative Glassheim: I would be a lot more comfortable if it said "will consider" instead of "shall consider".

Chairman Kempenich: I'm going to go on a limb and say that this is a 99% sure that this will be looked into during the interim.

Senator O'Connell: I kind of had my heels dug in on the driving range but the house has moved quite a bit on the troopers; and I hate to lose some positions also. I will support the amendment.

Representative Thoreson: I believe the house has moved a long way from the last time we saw this bill. There were questions about the positions and the removal of them in the budgeting process. While I can't say I'm 100% happy with this, I certainly will support this amendment.

Senator Krebsbach: I also have to say we worked a lot on this bill and I was under the impression that we were charging political subdivisions some money for the training that they receive. This is an issue that came up with leadership as well; that perhaps we should be doing some research in that area to see if it's possible, from the standpoint of a city, county, township; it's nice not to have to pay for that training because it does cost the people money to stay. I think it will be a clearer opportunity for the long range plan of this entire complex to be transferred from Bismarck State College. I too was quite set on getting this course in place and we have received assurance that the city is willing to hold this land for us.

Senator Krebsbach: Made a motion to adopt the amendment.

Senator O'Connell: Seconded the motion.

A roll call vote was made. 6 Yea's 0 Nay's 0 Absent

Chairman Kempenich: Closed the conference committee.

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1011

That the Senate recede from its amendments as printed on pages 1327 and 1328 of the House Journal and pages 1059 and 1060 of the Senate Journal and that Engrossed House Bill No. 1011 be amended as follows:

Page 1, line 1, after "patrol" insert "; and to provide for a legislative management study"

Page 1, replace lines 10 through 16 with:

"Administration	\$2,926,419	\$233,423	\$3,159,842
Field operations	37,198,354	4,007,915	41,206,269
Law enforcement training academy	<u>1,496,942</u>	<u>105,546</u>	<u>1,602,488</u>
Total all funds	\$41,621,715	\$4,346,884	\$45,968,599
Less estimated income	<u>10,893,730</u>	<u>631,595</u>	<u>11,525,325</u>
Total general fund	\$30,727,985	\$3,715,289	\$34,443,274
Full-time equivalent positions	194.00	0.00	194.00"

Page 2, replace line 1 with:

"Weigh station repairs	100,000	0"
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Page 2, replace line 3 with:

"Total all funds	\$280,000	\$1,237,000"
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Page 2, replace line 5 with:

"Total general fund	\$280,000	\$1,076,000"
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Page 2, line 11, replace "\$4,849,220" with "\$5,025,762"

Page 2, after line 22, insert:

"SECTION 5. LEGISLATIVE MANAGEMENT STUDY - HIGHWAY PATROL TRAINING ACADEMY. During the 2011-12 interim, the legislative management shall consider studying the feasibility and desirability of relocating the highway patrol training academy or portions of the training academy. The study, if conducted, must review options for relocating the training academy, options for relocating the emergency operations vehicle training course, and options for constructing a highway patrol shooting range. The legislative management shall report its findings and recommendations, together with any legislation needed to implement the recommendations, to the sixty-third legislative assembly."

Re-number 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	\$3,159,842	\$3,157,382	\$2,460	\$3,159,842	\$3,162,302	(\$2,460)
Field operations	41,539,957	40,258,516	947,753	41,206,269	42,019,826	(813,557)
Law Enforcement Training Academy	5,692,488	1,601,309	1,179	1,602,488	3,593,669	(1,991,181)
Total all funds	\$50,392,287	\$45,017,207	\$951,392	\$45,968,599	\$48,775,797	(\$2,807,198)
Less estimated income	12,100,404	11,348,783	176,542	11,525,325	11,878,449	(353,124)
General fund	\$38,291,883	\$33,668,424	\$774,850	\$34,443,274	\$36,897,348	(\$2,454,074)
FTE	197.00	191.00	3.00	194.00	197.00	(3.00)

Department No. 504 - Highway Patrol - Detail of Conference Committee Changes

	Restores Funding for State Fleet Services Mileage Rates ¹	Restores Trooper Positions ²	Adds Funding for Vacant FTE Positions ³	Removes Funding for Weigh Station Repairs ⁴	Total Conference Committee Changes
Administration	\$2,460				\$2,460
Field operations	229,869	567,884	400,000	(250,000)	947,753
Law Enforcement Training Academy	1,179				1,179
Total all funds	\$233,508	\$567,884	\$400,000	(\$250,000)	\$951,392
Less estimated income	51,045	73,497	52,000	0	176,542
General fund	\$182,463	\$494,387	\$348,000	(\$250,000)	\$774,850
FTE	0.00	3.00	0.00	0.00	3.00

¹ Funding for State Fleet Services mileage is restored to reflect an estimated mileage rate of 61 cents per mile for Highway Patrol vehicles. The executive recommendation provided funding for an estimated mileage rate of 61 cents per mile, the House reduced funding to reflect an estimated mileage rate of 58 cents per mile, and the Senate provided funding to reflect an estimated mileage rate of 64 cents per mile.

² Three FTE trooper positions and related funding removed by the House are restored. The Senate also restored the positions.

³ Funding is added to allow the Highway Patrol to fill vacant FTE positions for which funding is currently not available.

⁴ Funding added by the House for weigh station repairs is removed. The Senate version did not remove the funding.

This amendment also:

- Adjusts Section 2 regarding one-time funding for the Highway Patrol.
- Adjusts Section 3 regarding the amount of funding provided to the Highway Patrol from the highway tax distribution fund.
- Provides for a Legislative Management study of options to relocate the Highway Patrol training academy or portions of the academy.

2011 HOUSE CONFERENCE COMMITTEE ROLL CALL VOTES

Committee: Joint Ops

Bill/Resolution No. HB 1011 as (re) engrossed

Date: 4-25-11

Roll Call Vote #: 1

- Action Taken**
- ☐ HOUSE accede to Senate amendments
 - ☐ HOUSE accede to Senate amendments and further amend
 - ☐ SENATE recede from Senate amendments
 - ☒ SENATE recede from Senate amendments and amend as follows

House/Senate Amendments on HJ/SJ page(s) 1327 - 1328

- ☐ Unable to agree, recommends that the committee be discharged and a new committee be appointed

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

Motion Made by: Senator Kubschak Seconded by: Senator O'Connell

Representatives				Senators			
	Y	N	AB	Y	N	AB	
<u>Keith Kempenich</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<u>Senator Kubschak</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>Blair Brown</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<u>Timmy G. Jones</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>Clint Harshbarger</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<u>David O'Connell</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Vote Count Yes: 6 No: 0 Absent: 0

House Carrier Rep Kempenich Senate Carrier Senator Kubschak

LC Number _____ of amendment

LC Number _____ of engrossment

Emergency clause added or deleted

Statement of purpose of amendment funding for mileage, FTE's & funding

REPORT OF CONFERENCE COMMITTEE

HB 1011, as engrossed: Your conference committee (Sens. Krebsbach, Wanzek, O'Connell and Reps. Kempenich, Thoreson, Glassheim) recommends that the **SENATE RECEDE** from the Senate amendments as printed on HJ pages 1327-1328, adopt amendments as follows, and place HB 1011 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1327 and 1328 of the House Journal and pages 1059 and 1060 of the Senate Journal and that Engrossed House Bill No. 1011 be amended as follows:

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Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

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

Executive	House	Conference	Conference	Senate	Comparison
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Insert LC: 11.8149.02005

	Budget	Version	Committee Changes	Committee Version	Version	to Senate
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- Provides for a Legislative Management study of options to relocate the Highway Patrol training academy or portions of the academy.

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

2011 TESTIMONY

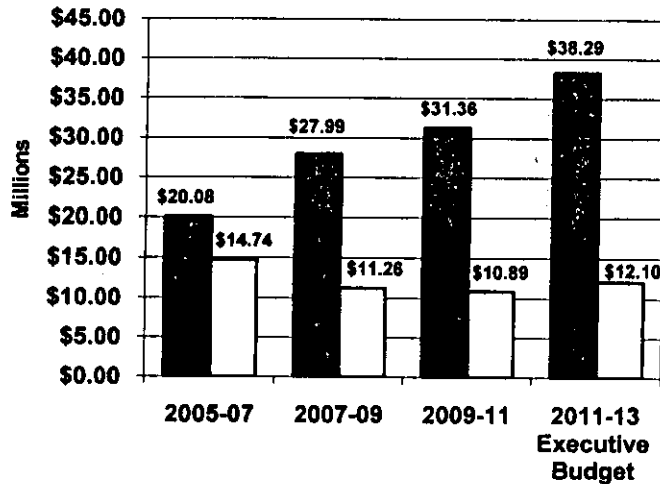
HB 1011

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

	FTE Positions	General Fund	Other Funds	Total
2011-13 Executive Budget	197.00	\$38,291,883	\$12,100,404	\$50,392,287
2009-11 Legislative Appropriations	194.00	31,357,985	10,893,730	42,251,715 ¹
Increase (Decrease)	3.00	\$6,933,898	\$1,206,674	\$8,140,572

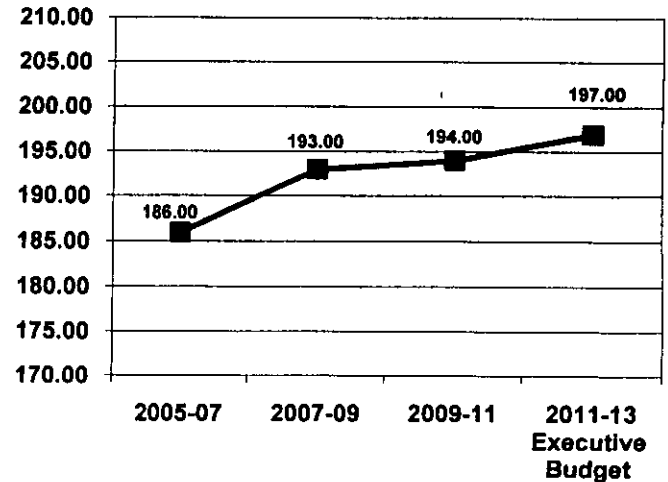
¹The 2009-11 appropriation amounts include \$350,000 from the general fund for the agency's share of the \$16 million funding pool appropriated to the Office of Management and Budget for special market equity adjustment for executive branch employees.

Agency Funding



■ General Fund □ Other Funds

FTE Positions



Ongoing and One-Time General Fund Appropriations

	Ongoing General Fund Appropriation	One-Time General Fund Appropriation	Total General Fund Appropriation
2011-13 Executive Budget	\$33,657,583	\$4,634,300	\$38,291,883
2009-11 Legislative Appropriations	31,077,985	280,000	31,357,985
Increase (Decrease)	\$2,579,598	\$4,354,300	\$6,933,898

Executive Budget Highlights

	General Fund	Other Funds	Total
1. Reduces funding for motor pool costs based on 2011-13 biennium estimated mileage rates for Highway Patrol vehicles	(\$165,000)	(\$25,000)	(\$190,000)
2. Adds 3 FTE motor carrier officer positions (\$412,688) and related operating expenses (\$321,000) to increase vehicle weight enforcement in areas affected by oil and gas development	\$638,309	\$95,379	\$733,688
3. Adds one-time funding for the construction of an emergency vehicle operations course and an indoor weapons training range	\$3,558,300	\$531,700	\$4,090,000
4. Adds one-time funding to replace analog radio equipment in Highway Patrol vehicles	\$1,076,000	\$161,000	\$1,237,000
5. Removes one-time funding provided in the 2009-11 biennium relating to weigh station repairs, Capitol security upgrades, and planning for the implementation of a commercial vehicle information exchange window system and network	(\$280,000)		(\$280,000)

Other Sections in Bill

Highway tax distribution fund - Section 3 provides for \$5,600,841 of special funds from the highway tax distribution fund to be used for Highway Patrol operations.

Highway patrol officer per diem - Section 4 provides for highway patrol officer per diem of \$200 per month during the 2011-13 biennium, the same amount as provided during the 2009-11 biennium. The per diem payments are in lieu of reimbursement for meal and other expenses while in travel status within the state.

Continuing Appropriations

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

Major Related Legislation

Senate Bill No. 2108 - Increases the state and employee contributions into the Highway Patrolmen's retirement plan by 1 percent annually beginning January 1, 2012, and continuing through January 1, 2015.

1011.1.20.11A

**House Appropriations Committee
HB 1011 – Highway Patrol Appropriations
Submitted by
James Prochniak, North Dakota Highway Patrol**

Introduction

Good morning, Mr. Chairman, and members of the House Appropriations Committee, Government Operations Division.

I am Colonel James Prochniak, Superintendent of the North Dakota Highway Patrol. It is truly an honor to be representing the Highway Patrol in front of you today.

Staff Introductions

In 2010, the North Dakota Highway Patrol reached a milestone by celebrating 75 years of service. From its official inception date of July 1, 1935, until present day, the members of the Patrol pride themselves in providing professional, quality service to the motoring public.

A look back in the history of the Patrol quickly highlights some constant themes that have stood the test of time. In 1935, during the first year of service, then Superintendent Frank Putnam directed the Patrol into activities designed to inform the public about traffic safety. Some 50 years later, Superintendent Brian Berg describes the basis of the Patrol's development throughout history, has been service. Berg states the Patrol "wants to be the best law enforcement agency for the citizens of North Dakota."

Today, the Patrol continues to emphasize education and information sharing with our stakeholders as a strong part of our total enforcement package.

Prior to receiving the appointment of Superintendent, my position was a field commander. My emphasis then was directed toward public safety, educating motorists, officer safety, and working with local agencies. Those points of emphasis continue today.

Today, like in years past, all employees of the North Dakota Highway Patrol strive to carry out the safety message and work hard to be the best. Whether it's during safety presentations or through strong enforcement measures, assisting a traveling motorist, or investigating a crash, our personnel take pride in performing their duties. Simply put, they are proud to wear the uniform of a North Dakota State Trooper; they are proud to work for the Patrol.

In a recently received "thank you" note, an emotional father describes his appreciation to the Patrol following the tragic loss of his son in a car crash. He comments.... "You should be very proud to have a person like Aaron who represents loyalty, professionalism, and kindness....I can't say enough about his kindness in this tragic situation."

Oftentimes, when situations are at their worst, the NDHP is at its best! Even then, our success is often measured by what doesn't occur.

However, we cannot rest on our laurels. This past year we implemented a customer survey in our website update. Early information indicates a majority of respondents are satisfied or

extremely satisfied with the Patrol. We intend to use the information gathered to evaluate training, make policy decisions, and learn how to provide better service.

The NDHP's commitment towards high visibility and strong enforcement will continue as well. DUI enforcement and enforcement of accident causation violations will continue to be a major focal point. Recently, the NDHP and nearly 90 percent of all law enforcement agencies throughout the state committed to a multi-agency enforcement effort aimed at removing impaired drivers from the roads. The commitment of participating agencies is unprecedented.

Major Agency Accomplishments 2009-11

- In March 2010, the NDHP implemented a new computer aided dispatch (CAD). Computer aided dispatch provides dispatch personnel with the capability to view the location and status of all patrol units. The tools and displays of CAD allow dispatchers to handle calls for service as efficiently as possible while the integrated mobile data computer (MDC) component allows direct data transfer and mapping capabilities between State Radio and the MDCs in the patrol vehicles.
- E-permits System enhancements and website updates created efficiencies and provides additional options for the motor carrier industry. By increasing the access to the number of online permits, we went from conducting 8,772 transactions totaling \$491,547 in 2009 to over 37,000 transactions totaling \$1,350,476 in 2010.
- The NDHP's criminal interdiction efforts continue to be successful. The NDHP's K-9 teams prove to be a valuable tool in apprehension of the illegal drug traffickers. From August 2009 through March 2010, our K-9's were involved in the discovery of over 216 pounds of marijuana, 7 pounds of methamphetamine, and over \$50,000 of drug currency.
- In August 2009, the Commission on Accreditation for Law Enforcement Agencies voted unanimously to award the NDHP with international accredited status. The NDHP has been accredited since 1989 and was selected as a Flagship Agency indicating success in the accreditation process.

As requested, my presentation today will cover the most recent audit findings, recommendations, and agency response. I will move on to highlight the 2009-11 appropriation. Finally, I will give an overview of 2011-13 budget needs and major variances and conclude with our agency optional requests.

During our last audit in early 2009, the State Auditor's office recorded four findings with recommendations. You have been given a detailed report of the findings in your handout.

1. PeopleSoft General Ledger Control Weaknesses – Recommendation followed and vouchers are now being prepared in a timely manner and properly approved with supporting documentation.
2. Fraud Risk Assessment – Recommendation addressed through development of a fraud risk policy and procedure. (Policy 5-14, Administrative Reporting System)
3. Noncompliance With Fee Collections – Recommendations addressed by equipping an electronic receipt system in patrol cars and updates made to the receipt books.
4. Noncompliance With Fixed Asset Records – Recommendations addressed through stronger procedures to record fixed assets in the PeopleSoft Accounting System and Fixed Asset

Tracking System (FATS) inventory system. Steps have also been taken to ensure matching of records between PeopleSoft and FATS inventory systems.

The 2009-11 appropriation included the following one time funding items:

		Current Spending
Capitol Security Upgrade	\$80,000	\$73,950
Commercial Vehicle Information Exchange Window	\$100,000	\$98,462
Weigh Station Repairs	\$100,000	\$70,000

It is anticipated that a minimum of \$150,000 will be turned back to the general fund from the 2009-11 appropriation. Barring unforeseen circumstances, i.e. natural disasters, the agency is hopeful to turn back \$350,000 total.

The NDHP 2011-13 biennium budget request is:

Funds	Current Budget	Executive Recommendation 2011-2013
State Funds	35,908,710	43,892,724
Federal Funds	6,343,005	6,499,563
Total Funds	42,251,715	50,392,287

Budget variances in the 2011-2013 biennium budget request:

1) Decrease in State Fleet mileage rate of 3 cents/mile	\$(190,000)
2) Increase in data processing costs for inflation	\$136,000
3) Increase in service contracts for mobile data software	\$63,000
4) Decrease in equipment over \$5,000	\$(14,000)

Optional Adjustment Proposals

Option 1 – EVOC/Shooting range - \$4,090,000

More officers are killed or injured when driving their police units than any other means. Combine that frightening statistic with the fatal demise of officers by use of firearms, and the importance of proper training in these two areas becomes critical.

The NDHP proposes construction of an emergency vehicle operations course (EVOC) and indoor weapons training range. Law enforcement shooting range and EVOC proposal is a cooperative agreement between the City of Bismarck and the NDHP to secure land for the site of this project. I am pleased to report the Bismarck City Commission voted unanimously to deed the land to the North Dakota Highway Patrol for development.

An EVOC driving facility and shooting range are necessary in the instruction and certification of all law enforcement officers. Emergency vehicle operation training is a requirement for police officers to be licensed. This training helps to ensure law enforcement officers operate their patrol vehicles in a safe manner. It also helps officers to realize the limitations of the vehicle and their driving skills. The current track that is utilized is a parking lot located between the Bismarck Community Bowl and the new Bismarck Aquatics and Wellness Center. Due to

increased traffic flow on campus and increased pedestrian traffic, as well as other safety concerns, this is no longer a viable location.

Weapons training and proficiency is also a requirement for law enforcement. Currently, we utilize a private indoor range, when available, at a minimum fee of \$250 per day. When the private range is not available, training is attempted at an older outdoor range owned by the State Penitentiary. However, due to its close proximity to Apple Creek Elementary School, we are limited in the time of day it can be utilized as well as the weapons that can be fired. When limitations and constraints are placed on training, it compromises the level of knowledge and skills these individuals are able to bring to their place of employment.

The shooting range would include one 16 lane 25 yard indoor firing range with a weapons cleaning and maintenance room, weapons storage room with ammunition storage area, single classroom, a small office area, restrooms, and storage. The driving pad would support a 300 ft. x 1000 ft. EVOC for training law enforcement and other public safety agencies in the operation of emergency vehicles.

Option 2 – Additional Motor Carrier Troopers – \$726,128

The NDHP is the only state agency with authority to enforce size and weight limitations. Deteriorating highway infrastructure directly impacts the safety of the motoring public. The function of size and weight enforcement is a critical component of infrastructure protection in the state. Motor carrier traffic in western North Dakota has increased significantly since the early 2000's. In addition, the increase in fatality traffic crashes in western North Dakota impacts our ability to increase our efforts in size and weight enforcement with existing personnel.

Increased crashes and extra pressure on infrastructure has not gone unnoticed. The NDHP has made a concentrated effort to focus on the issues facing oil country. Overtime, specialty assignments, troopers working from various locations in the state, changes to online permitting, reaching out to the oil industry, all of these measures have been conducted in an effort to stem the tide associated with the boom. From June of 2010 through October of 2010, over 1230 hours of specialty overtime was used to address many of the concerns in oil country. Combine that with nearly 4500 hours of other overtime during the same time period, and admittedly, it becomes a pace of activity that is difficult to sustain.

The increase in motor vehicle traffic that we hear so much about is depicted in the below chart. The increase in motor carrier traffic is occurring at interior locations within western North Dakota as opposed to interstate travel. For example, the 2008/2009 daily truck counts on US 2 near the Montana border and I-94 west of Belfield is very similar to 2002/2003. While the daily truck counts near Fairfield on US 85, Manning on ND 22, New Town on ND 23, and Ray on US 2 have increased significantly.

Average Daily Truck Counts					
	2002	2003	2008	2009	2010
I-94 : Painted Canyon 7.8 miles W of US 85	1043	1039	1165	1096	1155
US 2: 2.4 miles east of the Montana line	138	130	100	147	280
US 85: 5.1 miles north of I-94 (Fairfield)	274	270	507	505	641
ND 22: South of Manning	141	144	408	538	932
ND 23: 4.7 miles east of ND 22 (New Town)	141	131	548	678	1217
US 2: 2.1 miles west of Ray	259	255	669	782	1332

The North Dakota Highway Patrol proposes an increase of three FTEs assigned to motor carrier enforcement. Targeted post assignments would involve the western third of the state depending on the availability of adequate housing. These motor carrier officers would be unique in their assignment as their time would be devoted to truck enforcement. With the concentrated efforts on truck enforcement, our traffic troopers in those locations can concentrate their efforts on traffic safety measures.

Below is a graphic which depicts the average work generated in a given year from the additional Motor Carrier officers.

2009 WORKHOURS & ACTIVITIES		
Motor Carrier Enforcement Trooper		
	One Trooper	Three Troopers
→ Truck Enforcement Hours	550	1,650
Road Patrol Hours	1,465	4,395
→ Miles of Road Patrol	22,256	66,768
Citations	486	1,458
Warnings	256	768
Highway Assists	35	105
Calls for service	65	195
Fatality Crashes	0	0
Injury Crashes	8	24
Property Crashes	21	63
Animal Only	24	72
Community Policing	48	144
Permits Issued	29	87
→ Trucks Weighed	191	573
→ Overloads	32	96
→ Driver/Vehicle Inspections	267	801
Out of Service Violations	10	30

Existing motor carrier assignments for size and weight enforcement in the Northwest and Southwest Regions are: Williston (2), Minot (2), Dickinson (1), Hazen (1), and Bismarck (1).

Option 3 – Mobile Radio Equipment – \$1,237,000

We have all heard the term, "communication is crucial." In law enforcement, it is your lifeline.

As beneficial as technology can be, it often has a downside. Technology can change at a fast pace. Oftentimes the changes simply result in greater convenience, and from a practical standpoint, may not be required to accomplish your daily routine. However, there are times when the technological advances can leave you in the cold. Currently, our troopers are experiencing this problem.

A large portion of each NDHP patrol vehicle mobile radio system needs to be replaced. Based on the current VHF State Radio network in North Dakota, vehicular repeaters are required in

each vehicle in order to provide adequate portable radio coverage. Portable radios are needed whenever a trooper is outside of a patrol vehicle. The vehicular repeater technology gives the low power portable radios high power capability by routing the transmission through the high power vehicle mobile radio system.

Based on the evolution of public safety communications, the current repeater technology is no longer adequate. The NDHP proposes replacing it with new repeater technology.

Replacing communication systems for our officers is vital to their safety and to the safety of those they serve. With the current evolution of digital, our radio communications is suffering. Our troopers have difficulty communicating with State Radio when outside of their vehicles. On many occasions, the officers are only a few feet away from the patrol vehicles.

Mr. Chairman, members of the committee, the above request summarizes the basic needs and optional requests by the NDHP. Consideration has been given to address the needs of law enforcement safety by providing proper training facilities and supporting the communication line for troopers on the road. Additionally, the request for Motor Carrier officers is in response to the growing needs created by the oil impact and responding to the need to protect infrastructure.

Mr. Chairman, this concludes my testimony. I would be happy to answer any questions you may have.

CD with NDHP Powerpoint and videos for budget hearings on 1/20/11 and 3/16/11 for HB 1011 is available upon request

PEOPLESOFT GENERAL LEDGER CONTROLS WEAKNESS

Finding 08-1

Controls surrounding PeopleSoft general ledger journal vouchers (JVs) are not adequate.

The North Dakota Highway Patrol did not maintain adequate support for JVs processed in the PeopleSoft general ledger, JVs were approved without support attached, JVs were not done in a timely manner, and prior to the implementation of workflow in PeopleSoft, JVs were not being reviewed and approved after the entries posted to the general ledger.

Even though the approver signed off on the JVs, we did not consider this proper approval as no support was reviewed prior to approval. Without proper support the approver is unable to determine if the correct amounts and funds were used.

Prior to the implementation of workflow, JVs approved prior to posting to the general ledger could lead to potential processing errors going undetected.

JVs not done in a timely manner resulted in current year correcting entries adjusting prior fiscal year expenditures.

**Audit Recommendation
and Agency Response**

Recommendation:

We recommend that the North Dakota Highway Patrol:

- Ensure all PeopleSoft general ledger journal vouchers have support attached when approved;
- Ensure journal vouchers are properly approved; and
- Prepare all necessary journal vouchers in a timely manner.

North Dakota Highway Patrol Response:

Journal vouchers are now being prepared in a timely manner and properly approved with all support attached at the time of approval.

FRAUD RISK ASSESSMENT

Finding 08-2

The North Dakota Highway Patrol does not have a system in place to identify possible instances of fraud or fraudulent activities in their financial and operational areas.

The most important guidance relating to internal control is contained in *Internal Control – Integrated Framework* published by the Committee of Sponsoring Organizations of the Treadway Commission (COSO). This guidance dictates that a Fraud Risk Assessment program be established and practiced to identify risks of fraudulent type activities, including when special circumstances arise, when changing environments arise, and for restructuring. In addition, the North Dakota Highway Patrol does not have the necessary control activities designed/documented to ensure significant fraud exposures are identified and mitigated. Management must design the necessary internal controls to ensure significant fraud exposures identified during the risk assessment process are adequately mitigated and that the system of control activities addressing each of the identified fraud risks has been adequately tested by management.

Audit Recommendation and Agency Response

Recommendation:

We recommend the North Dakota Highway Patrol:

- Establish and perform a fraud risk assessment on a comprehensive and recurring basis; and
- Design and document the necessary control activities to ensure that each significant fraud exposure identified during the risk assessment process has been adequately mitigated.

North Dakota Highway Patrol Response:

The NDHP is currently in the process of developing a fraud risk assessment policy and also documenting procedures for implementing that policy.

Compliance With Legislative Intent

In our audit for the two-year period ended June 30, 2008, we identified and tested North Dakota Highway Patrol's compliance with legislative intent for the following areas that we determined to be significant and of higher risk of noncompliance:

Legislative Intent Included In
Our Audit Scope

- Salaries of the superintendent, assistant superintendent, and patrolmen are proper (NDCC section 39-03-07).
- Application of proper statutory fees and penalties relating to revenue (NDCC sections 39-04-18(2)(h), 39-04-19, 39-12-02, 39-12-08, 39-12-14.1, 39-12-20, 39-25-05, and 57-43.2-39; and NDAC section 38-06-03-01).
- Payments made to patrol officers (2005 Session Law – Senate Bill 2011 and 2007 Session Law – House Bill 1011).
- Transfer made from State Highway Tax Distribution Fund (2005 Session Law – Senate Bill 2011 and 2007 Session Law – House Bill 1011).
- Proper use of Highway Patrol Assets Forfeiture Fund.
- Proper use of the State Treasurer (State Constitution, article X, section 12).
- Compliance with appropriations and related transfers (2005 North Dakota Session Laws chapter 39 and 2007 North Dakota Session Laws chapter 11).
- Compliance with OMB's Purchasing Procedures Manual.
- Travel-related expenditures are made in accordance with OMB policy and state statute.
- Proper use of outside bank accounts and petty cash funds.
- Adequate blanket bond coverage of employees (NDCC section 26.1-21-08).
- Compliance with fixed asset requirements including record keeping, surplus property, lease and financing arrangements in budget requests, and lease analysis requirements.
- Compliance with payroll related laws including statutory salaries for applicable elected and appointed positions, and certification of payroll.

The criteria used to evaluate legislative intent are the laws as published in the *North Dakota Century Code* and the *North Dakota Session Laws*.

Government Auditing Standards requires auditors to report all instances of fraud and illegal acts unless they are inconsequential within the context of the audit objectives. Further, auditors are required to report significant violations of provisions of contracts or grant agreements, and significant abuse that have occurred or are likely to have occurred.

The results of our tests disclosed two instances of noncompliance that are required to be reported under *Government Auditing Standards*. These findings are described on pages 20-21. Other than those findings, we concluded there was compliance with the legislative intent identified above. We also noted certain inconsequential instances of noncompliance that we have reported to management of the North Dakota Highway Patrol in a management letter dated April 17, 2009.

Finding 08-3

NONCOMPLIANCE WITH FEE COLLECTIONS

The North Dakota Highway Patrol collects size and weight permits for the Motor Vehicle Division of the Department of Transportation (DOT), fuel taxes for the North Dakota Tax Department, and escort fees which are deposited into the general fund. North Dakota Century Code (NDCC) and North Dakota Administrative Code (NDAC) determine the fee amounts and where the funds are to be deposited.

The North Dakota Highway Patrol does not have procedures to properly monitor compliance with fee collections, and as a result, of the 30 fees reviewed, 10 fees were collected for the wrong amount and 6 fees were coded incorrectly in the North Dakota Highway Patrol Receipt System.

As part of the review above we also noted 3 of the 6 coding errors were due to the category codes being transposed when another fee was collected on the same receipt. Another factor contributing to the errors is that not all the fees charged by the North Dakota Highway Patrol are listed on the receipt. By listing the fees to be charged on the receipt, the North Dakota Highway Patrol officer would be able to use the receipt as a guide to determine the correct fee amount and the individual paying the fee would be able to easily determine if they were not charged the correct amount.

Audit Recommendation
and Agency Response

Recommendation:

We recommend that the North Dakota Highway Patrol ensure:

- Proper fee amounts are collected in accordance with NDCC and NDAC;
- Fees are properly coded into the Receipts System; and
- Fees for the various fee categorizes are printed on the receipt.

North Dakota Highway Patrol Response:

Measures have been taken to ensure that fee amounts have been correctly collected and properly recorded in the cash receipts system. Fees which are a fixed amount for each category have been printed on receipt booklet covers. We will also research whether or not the fees can be printed on the cash receipt form itself (there are current space limitations). In addition, patrol vehicles are now being equipped to access the electronic receipt system which will minimize the chance of errors.

NONCOMPLIANCE WITH FIXED ASSET RECORDS

Finding 08-4

The procedures, used by the North Dakota Highway Patrol to ensure the proper fixed assets and balances are recorded on PeopleSoft, are inadequate.

A review of the fixed assets which have a value greater than \$5,000 recorded on PeopleSoft's Asset Management Module and a comparison of those fixed assets to the assets recorded on the North Dakota Highway Patrol's Fixed Asset Tracking System (FATS) identified the following weaknesses exist:

- Fixed assets which have a value greater than \$5,000 were not properly capitalized in PeopleSoft's Asset Management module;
- Capitalized fixed assets were still incorrectly classified in PeopleSoft's Asset Management Module;
- A capitalized fixed asset, identified as being surplused in the prior audit, was still recorded as a capitalized fixed asset in PeopleSoft's Asset Management Module; and
- Fixed assets values are not properly supported due to the fact that values differ between systems.

North Dakota Century Code (NDCC) 54-27-21 requires all agencies to capitalize all fixed assets having a value greater than \$5,000. Appendix A of the Office and Management and Budget's (OMB) Fiscal and Administrative Policy details how capitalized fixed assets should be classified.

Audit Recommendation
and Agency Response

Recommendation:

We recommend the North Dakota Highway Patrol maintain fixed asset records on PeopleSoft for fixed assets having a value greater than \$5,000 in accordance with NDCC 54-27-21 and Appendix A of OMB's Fiscal and Administrative Policy, and ensure these records are properly supported.

North Dakota Highway Patrol Response:

Procedures have been set up to make certain that all fixed assets over \$5,000 are being properly capitalized, classified, and recorded in the PeopleSoft Accounting System and also that fixed assets under \$5,000 are properly capitalized in the FATS inventory system. Steps have been taken to ensure that all deleted items are properly removed from the fixed asset records and that all capitalized values agree between the PeopleSoft and FATS inventory systems.

1011. 2.3.11B

**State of North Dakota
Law Enforcement Training Academy
Master Plan**

January 19, 2011

Prepared for:
State of North Dakota
Highway Patrol

Prepared by:
Rhodes and Associates, P.C.
Ubl Design Group, P.C.

**State of North Dakota
Law Enforcement Training Academy
Master Plan**

Under Direction of:

Coordinating Team

Col. James Prochniak, Superintendent, NDHP
Capt. David Kleppe, Support Services Commander, NDHP
Keith Witt, Chief of Police, Bismarck Police Department
Joel Boespflug, Fire Chief, Bismarck Fire Department
Jeff Heintz, Director of Service Operations, City of Bismarck
Capt. Lori Malafa, Administrative Services Commander, NDHP
Lt. Mike Gerhart, Training Director, Law Enforcement Training Academy, NDHP
Dr. Larry Skogen, President, Bismarck State College
Dr. Drake Carter, Associate Vice President of Academic Affairs, Bismarck State College
Ken Sorenson, NDHP General Counsel, Office of Attorney General

Master Planning Team

Vaughn Rhodes, Architect, Rhodes and Associates, P.C.
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Introduction:

Police and Fire Training is an ongoing and evolving process which is integral to public safety in North Dakota. Equally important, proper training prepares and protects our police and fire professionals. Over the last ten years as community populations have grown and threats both locally and from abroad have increased training has intensified to new levels with an increased focus on multi-agency cooperation. This master plan represents an effort to help support new and improved training for the North Dakota State Highway Patrol and open the door to a regionally based training complex capable of supporting state wide training needs for all our public safety professionals.

Executive Summary:

The North Dakota Highway Patrol with its partners, the Bismarck Police and Fire Departments along with Bismarck State College, have taken on the task of enhancing and expanding training opportunities for law enforcement and fire responders in North Dakota. The training complex proposed in this study is positioned to become a key statewide asset in the ongoing effort to provide professional and prepared public safety service to the citizens and communities they serve.

The master plan includes the Law Enforcement Training Academy building which includes classrooms, offices, multi-purpose room, facility kitchen and training storage; a 120 bed dormitory; outdoor training field and track; canine training field; campus maintenance building; the existing open-air baffled 25 yard outdoor tactical firing range; a 16 lane, 25 yard indoor firing range; practical training building with classrooms (dirty classrooms) and storage; a 100 yard open-air baffled rifle range; live fire training shoot house; smoke training house; a multi-purpose concrete pad for EVOC (Emergency Vehicle Operations Course); a concrete pad dedicated to fire training with several training props; a multi-tactical simulation building that can be used for tactical fire attack simulation, search and rescues, high-angle rescue; clandestine laboratory training, SWAT training, hazmat training, explosive device mitigation training, mass casualty training, live fire training, radiological response training, and emergency operations functional and full scale exercises.

A training complex of this type has the ability to be multi-faceted and unique. In order to fully understand the master plan presented it is important that the project objectives used to develop the physical plan be identified. The following are the key project objectives outlined by the coordinating team.

- The complex must meet the training needs of the North Dakota Law Enforcement Training Academy and the Highway Patrol.
- The complex must meet the training needs of the other partners including the Bismarck Police and Fire Departments as well as Bismarck State College.
- The complex must be designed and planned to meet regional and state wide training needs of other interested agencies.

- The master plan reflects bench mark of 50 years. Therefore the plan at its ultimate and completed state must take into consideration evolving training needs, environmental concerns, changing land uses near the site and other issues which could result from the length of the planning bench mark.

Process:

Prior to beginning this effort, a planning process was developed with the coordinating team. The process outlined below was used to guide the master plan development.

- Task 1: Define project objectives.
- Task 2: Review space and site program developed by OMB.
- Task 3: Develop a physical master plan.
- Task 4: Review the physical master plan with the coordinating team.
- Task 5: Develop an "Opinion of Probable Costs".
- Task 6: Develop phasing and implementation strategies.
- Task 7: Finalize and present final master plan.

Validation of Bismarck Master Plan:

Prior to this study the City of Bismarck developed a master plan for the 911 Memorial Police and Fire Training Facility which would occupy a portion of the site considered for this study. The coordinating team conducted a review of that master plan. The objective of the review was two-fold. First, the team utilized information gathered from the 2007 Bismarck Master Plan to help better understand site related issues, such as storm water management and related site utilities. Second, the 2007 master plan was utilized as a tool for the Highway Patrol, Bismarck Police and Bismarck Fire to better understand the training needs of the three departments involved in the planning process.

Needs Assessment:

A needs assessment was not within the scope of this master plan. However, information provided by the Office of Management and Budget and the Highway Patrol was reviewed and updated to ensure this study represented the current and long range needs of the Highway Patrol.

Training Components:

OUTDOOR FIRING RANGES

Two outdoor baffled ranges are shown for the training complex master plan, a 100 yard, 5 point range with a fixed firing position and the existing 25 yard, 10 point range with firing positions at 25 yards and baffled to accommodate no-blue sky tactical firing from 0 to 25 yards. The complex also includes one indoor baffled firing range, 25 yard, 16 points, with fixed firing positions. Each range includes a trap for bullet collection and a targeting system. Construction is precast concrete wall panels with acoustical lining on the range side. Baffles are constructed of armor plating mounted on trusses that span between the concrete walls.

MULTI-PURPOSE/EVOC PAD

Designed for the axle loads of apparatus, the multi-purpose pad is a large concrete surface used for various training exercises. The pad is sized for a standard NFPA emergency vehicle operations course as well as low speed law enforcement maneuvers. This pad can be used for skid operations utilizing a skid car during winter operations as well as any other training exercise requiring over four acres of staging and exercise area.

PRACTICAL TRAINING BUILDING

The practical training building is a one-floor building that includes training facilities and range support. Training areas include classrooms and a practical applications high-bay space. The high-bay space also has a primary function as equipment storage. Associated training support areas include restrooms and storage. Range support areas include control rooms and staging areas for ranges, ammunition storage, and rooms for cleaning, supply, armory and smithing, and target equipment.

LAW ENFORCEMENT TRAINING ACADEMY

The Law Enforcement Training Academy building will serve as the base for all Highway Patrol training activities. It will include a multi-purpose training room, 6 classrooms, a conference room, training staff offices, and 120 bed dormitory. Associated training support areas include restrooms, laundry facility, a dining hall, commercial kitchen, and storage.

CANINE TRAINING FIELD

The training field is a fenced area of turf 200 feet square. Grading in this is even and less than 2 percent. This field would allow the temporary or permanent creation of dog obstacles and could also be used to stage Special Response Team obstacles as well.

MULTI-TACTICAL SIMULATION BUILDING

The multi-tactical simulation building is an unconditioned, multi-story building; constructed of concrete block with cast-in-place concrete floor and roof slabs of pre-engineered steel. The building is designed to create realistic tactical situations for buildings that would be found in the community including habitats such as a residence, offices, commercial, high rises, schools, and other public and private structures with vertical and horizontal square footage. One of the features which makes this structure unique and an incredibly important training tool is the ability to transform and create a wide variety of live fire simulations, police simulations, and combined training exercises.

SHOOT HOUSE

The shoot house is a law enforcement live weapon tactical assault tool. The building is constructed of armor plating and ballistic walls. The building has the ability to create several entry and approach scenarios. The building often times is capable of video and sound recording which can be transmitted to a nearby classroom.

TECHNICAL RESCUE PROPS

The trench simulator will consist of a concrete trench simulator prop that will focus on the evolutions of rescue for shoring and trench wall collapse and slough in. The prop will be able to be used wet or dry and have the ability to have air or liquid piped in the area to simulate various leaks.

The confined space simulator will be comprised of reinforced concrete pipe and concrete structures at different diameters and heights. The plan will include 90's, tees, and angled intersections with vertical drops of different heights.

The rubble pile will consist of typical construction debris found in urban, suburban, and rural environments after a natural or manmade disaster. It will include confined spaces, areas of refuge, areas of collapse, and can accommodate other debris situations. The pile will be placed on a gravel pad that will allow positive drainage and workability for USAR teams.

The collapse building is a structure that will allow the simulations of various USAR skill evolutions including shoring, breaching, search, rescue, and clearing. The building will simulate wall, ceiling, floor, and pancake collapse with various architectural components to simulate various building types.

OUTDOOR FIRE PROPS

The fire simulator prop consists of several outdoor fire scenarios that the fire department might find in the community. The prop is a compact footprint and contains more real world situations than the more traditional outdoor fire props. This prop takes the place of the traditional x-mas tree fire prop, relief valve fire prop, split flange fire prop, and valve fire prop. The prop contains a vessel fire, boil over fire, overhead pipe fire, fuel spill/flammable liquids fire, and split flange fire situated in a structure with different vertical heights. The prop is fueled by liquid propane.

The flammable liquid simulator consists of a 20' x 20' square to simulate flammable liquids fires and is fueled by liquid propane. In addition to the main pit it contains a running fuel spill and 3' x 3' pan for fire extinguisher training.

The rail prop would consist of a pressurized and non-pressurized rail car placed on a single rail bed. The cars would be modified to assist in hazardous material, confined space, and derailment evolutions. The site would be modified to allow diking and damming evolutions as well. See Example 9, Appendix B.

Barrel, cylinder, and liquid storage pads will be used to train the handling and movement of hazardous materials and their containers. These pads will consist of different materials to allow evolutions to specifically test different handling SOP's.

Cost Evaluations:

The conceptual cost evaluations or "Opinion of Probable Costs" contained within this report are broad given the detail of the master plan, but are well within the normal industry standards and should be utilized for future funding strategies. When reviewing the costs the following factors should be considered:

- Opinions of Probable Cost are based on several resources including historic data and professional opinion.
- The costs identified include contingencies which are based on the broad scope of master planning.
- When examining these costs beyond year 2011, a current inflation factor should be applied unless more information is available at the time of calculation.
- A/E fees, permitting and project specific costs are not included.

Operations and Management Plan:

An operations and management plan was not within the scope of this master plan. However, based on input and discussions, the facility will be operated and maintained exclusively by the State of North Dakota and Highway Patrol.

Phasing and Implementation Strategies:

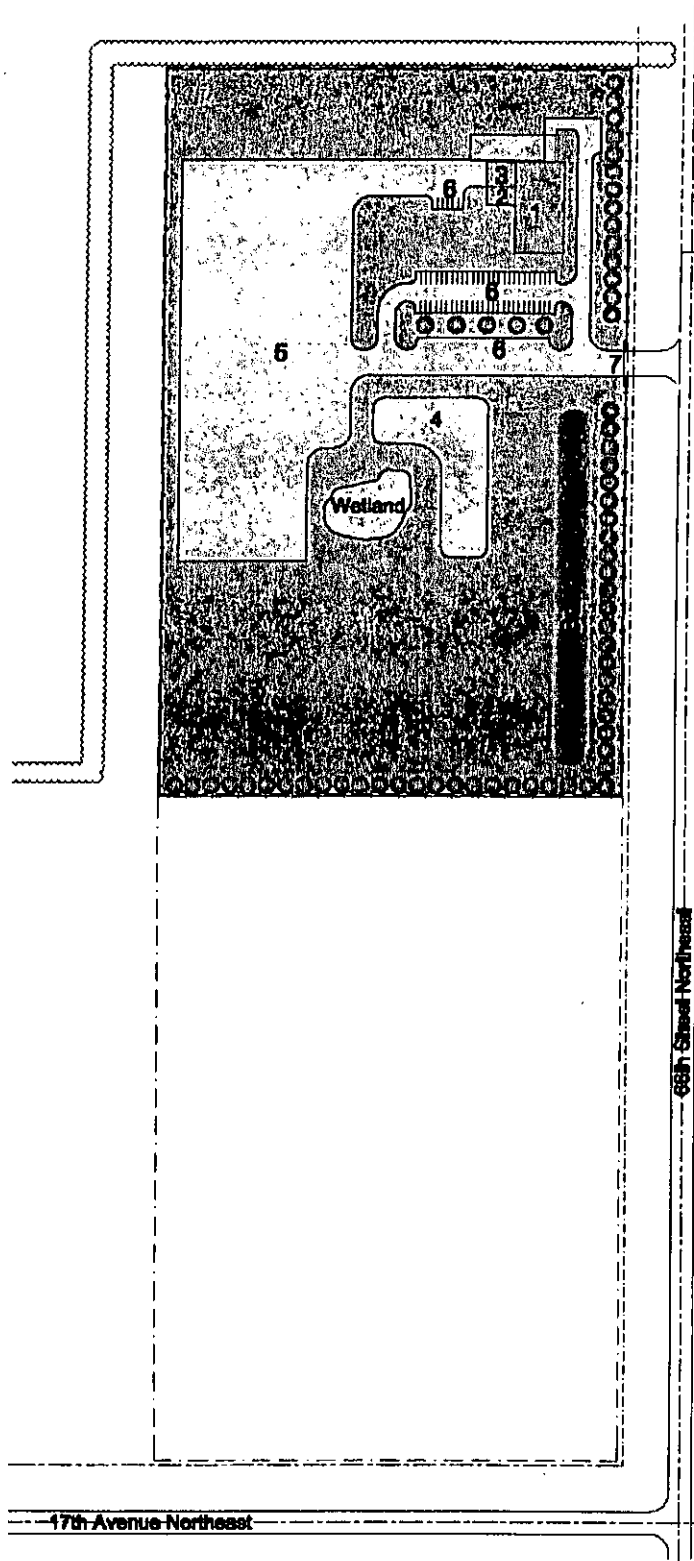
The recommendations of this master plan are flexible in their date of implementation and should be based on agency need and funding. However as a part of this effort the first two phases have been identified and represent the immediate needs of the Highway Patrol. Below are descriptions of the first two phases:

Phase I:

1. Grade site for practical training building, indoor firing range, multi-use concrete pad and support facilities such as parking.
2. Install underground utilities, including power, storm sewer, gas, septic tank and field and detention ponds
3. Construct practical training building
4. Construct multi-use EVOC pad
5. Mitigate existing wet-lands
6. Construct security fencing at perimeter of site
7. Construct berms at perimeter of site
8. Install perimeter landscaping

Phase II:

1. Grade site for LETA building, campus maintenance building, dormitory and parking areas.
2. Install underground utilities, including power, storm sewer, gas, septic tank and field and detention ponds
3. Construct LETA Building
4. Construct Dormitory
5. Construct Maintenance Building
6. Construct Parking areas and connecting roads on-site
7. Construct canine training area
8. Construct berms at perimeter of site.
9. Install perimeter landscaping.
10. Extend security fencing to new perimeter.



EXISTING SPACES

- 25 YARD OUTDOOR SHOOTING RANGE

NEW SPACES

- 1. INDOOR SHOOTING RANGE
- 2. PRACTICAL TRAINING CLASSROOMS
- 3. STORAGE - VEHICLE & EQUIPMENT
- 4. DETENTION POND
- 5. 1,000' x 300' E.V.O.C. PAD
- 6. PARKING FOR 60 CARS & 2 FIRE TRUCKS
- 7. GATE AND SIGN

Law Enforcement Training Academy and Public Safety Training Facility Master Plan - Phase 1

Phase I: Opinion of Probable Cost

Offsite costs: 210,000

1. Watermain
2. Storm sewer
3. Electrical
4. Gas

Site Development Costs: 2,634,000

1. Grading
2. Concrete paving (Includes paving for EVOC)
3. Utilities
4. Water service
5. Storm sewer
6. Detention ponds
7. Septic and drain field
8. Fencing
9. Lighting
10. Landscape/Erosion
11. Outdoor training field and track

Practical Training Building: 2,800,000

1. Training building
2. 25 yard indoor firing range
3. Fixture costs

Law Enforcement Training Components 0

1. LETA building
2. Dormitory
3. 100 yard range
4. Canine training

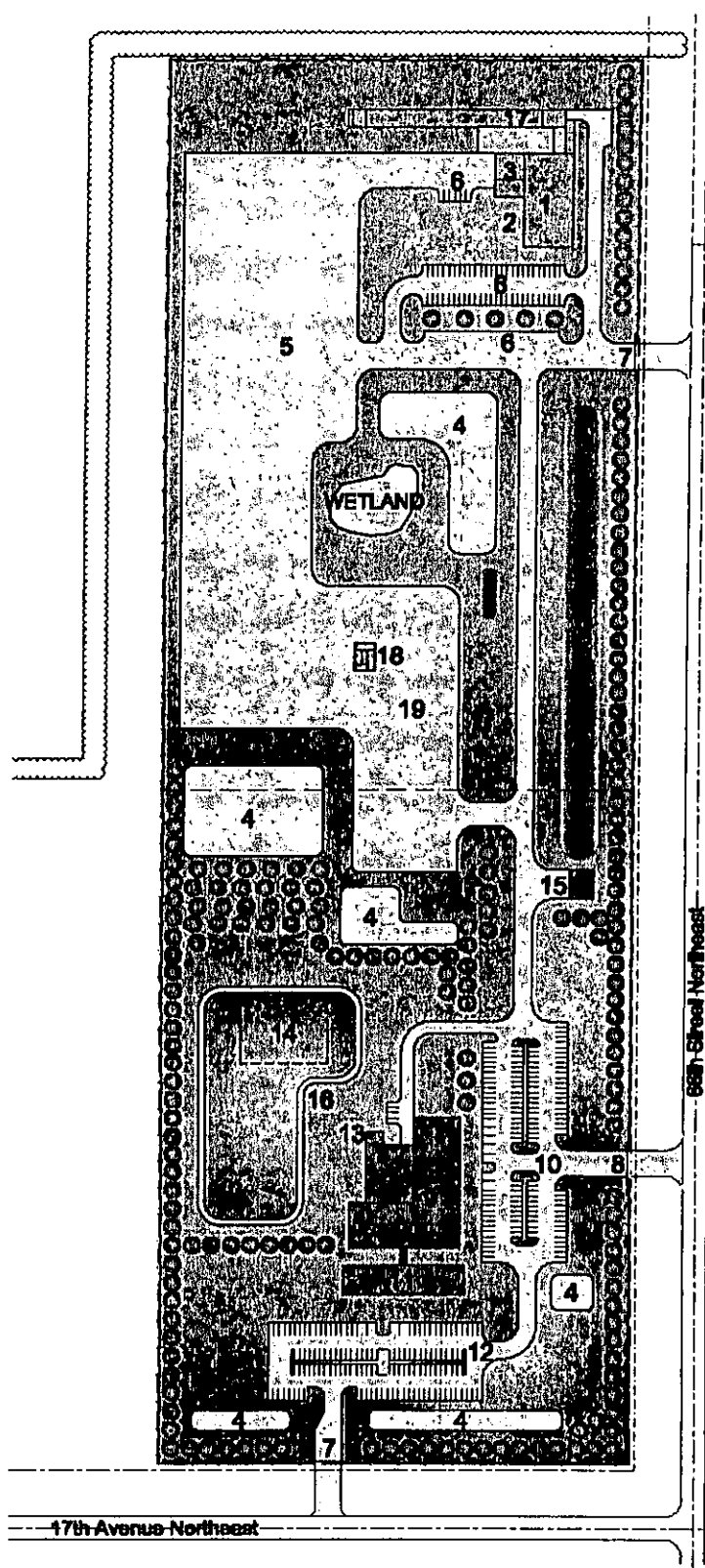
Fire Training Components: 0

1. Multi-tactical simulation building

Sub-total 5,644,900

Contingency (2.5%) 141,120

Total Phase I Costs: 5,786,020



EXISTING SPACES

- 25 YARD OUTDOOR SHOOTING RANGE

NEW SPACES

1. INDOOR SHOOTING RANGE
2. PRACTICAL TRAINING CLASSROOMS
3. STORAGE - VEHICLE & EQUIPMENT
4. DETENTION POND
5. 1,000' x 300' E.V.O.C. PAD
6. PARKING FOR 60 CARS & 2 FIRE TRUCKS
7. GATE AND SIGN
8. MAIN GATE AND SIGN
9. LAW ENFORCEMENT TRAINING ACADEMY
10. 130 CAR PARKING LOT
11. 120 BED DORMITORY
12. 124 CAR PARKING LOT
13. K-9 KENNELS
14. K-9 TRAINING AREA
15. MAINTENANCE GARAGE
16. RUNNING TRACK
17. 100 YD OUTDOOR SHOOTING RANGE
18. MULTI-TACTICAL SIMULATION BUILDING
19. FIRE TACTICAL SIMULATION PAD

Law Enforcement Training Academy and Public Safety Training Facility Master Plan - Phase 2

Phase II: Opinion of Probable Cost

Offsite costs: 230,000

1. Watermain
2. Storm sewer
3. Electrical
4. Gas

Site Development Costs: 3,742,700

1. Grading
2. Concrete paving (includes 300'x300' EVOC pad and practical fire pad)
3. Utilities
4. Water service
5. Storm sewer
6. Detention ponds
7. Septic and drain field
8. Fencing
9. Lighting
10. Landscape/Erosion
11. Outdoor training field and track

Practical Training Building: 1,500,000

1. 100 yard outdoor firing range

Law Enforcement Training Components 10,234,000

1. LETA building
2. Dormitory
3. Canine training

Fire Training Components: 1,500,000

1. Multi-tactical simulation building

Sub-total 17,206,700

Contingency (5%) 860,335

Total Phase II Costs: 18,067,035

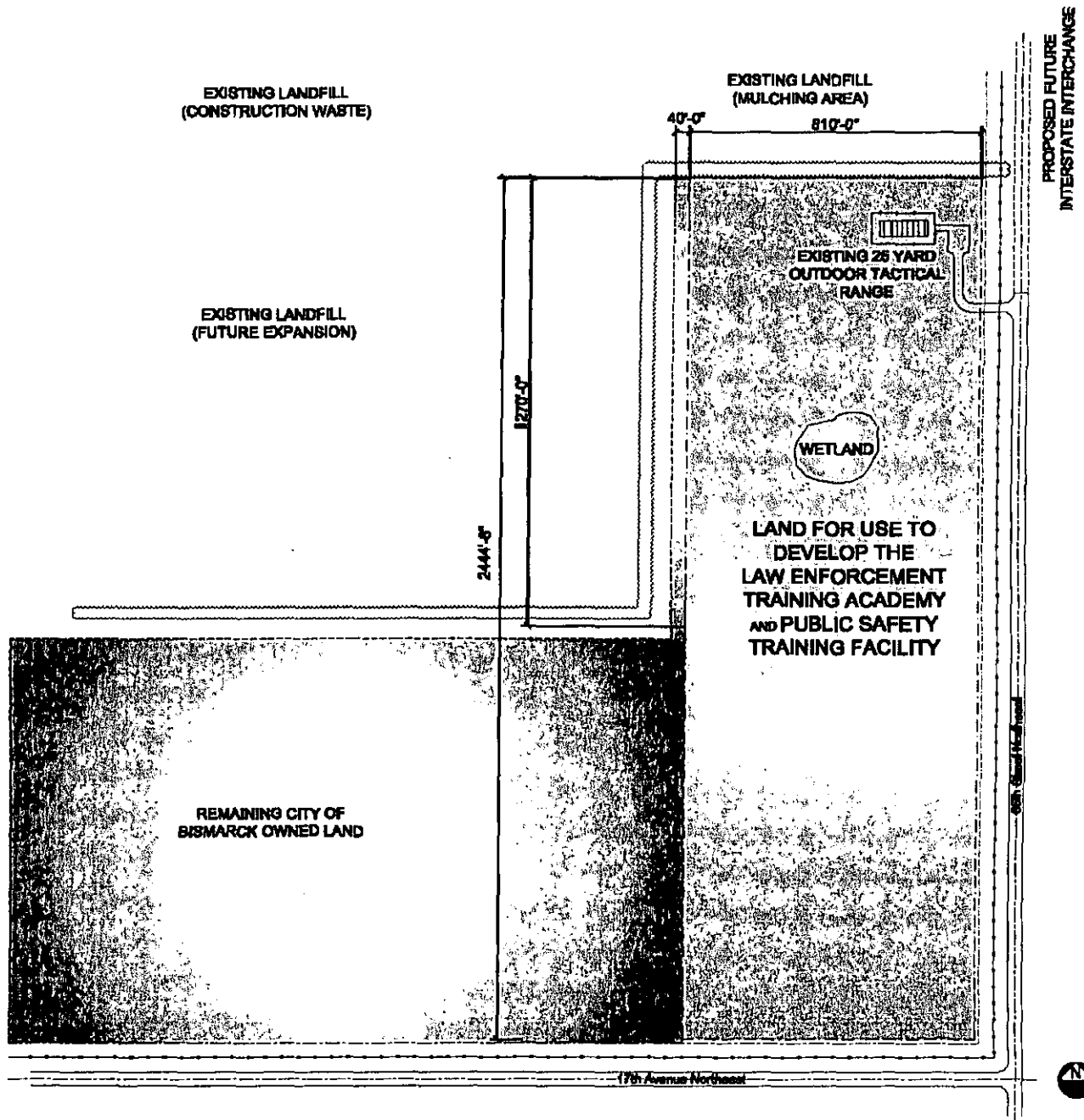
Appendix

Exhibit A: Proposed Site

Exhibit B: Arial Photograph of Proposed Site

Exhibit C: Arial Photograph of Proposed Site – Expanded View

page 10



Law Enforcement Training Academy and Public Safety Training Facility Master Plan - Existing Site Plan

11

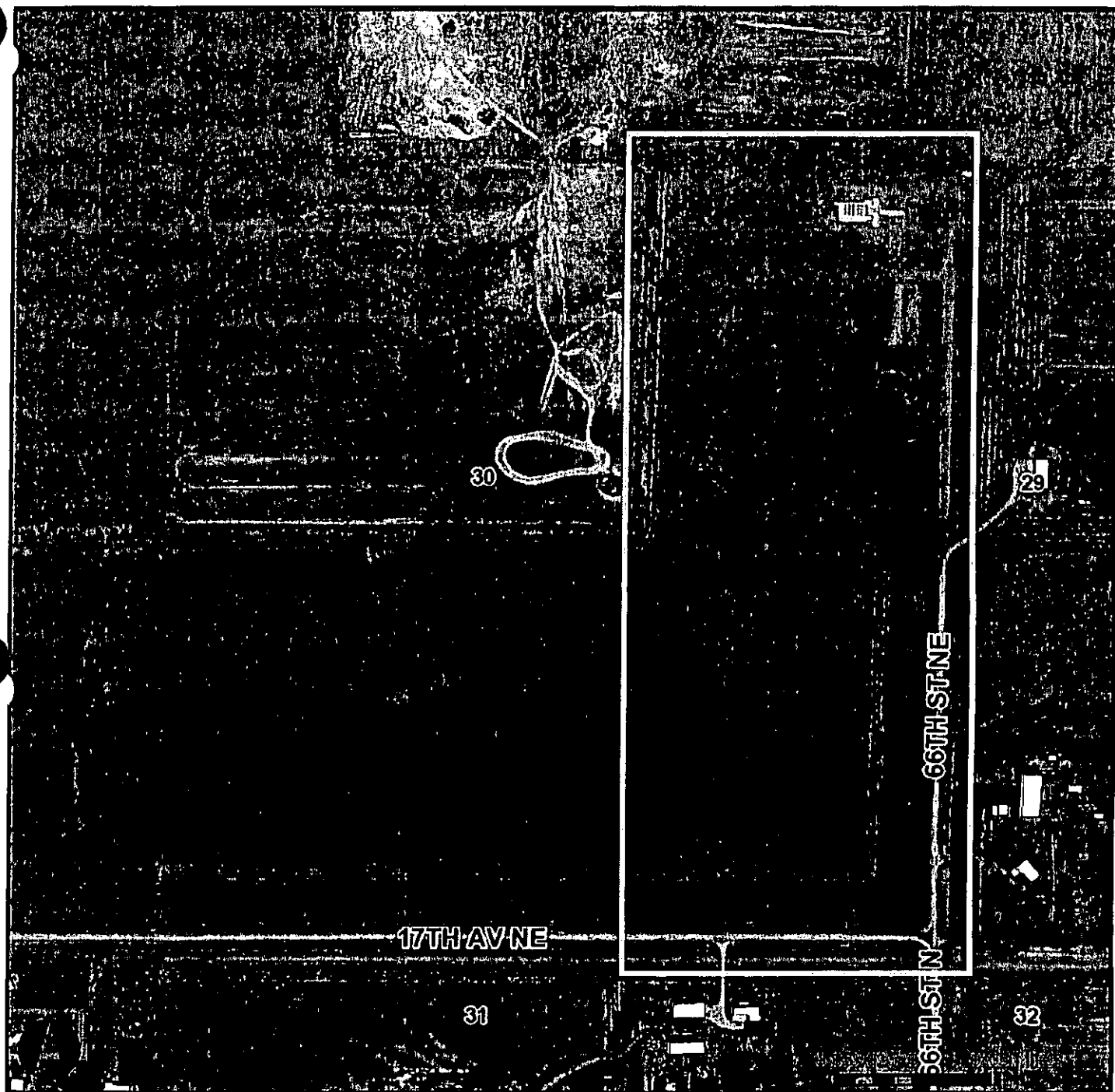


Exhibit B
Arial Photograph of Proposed Site

p. 12

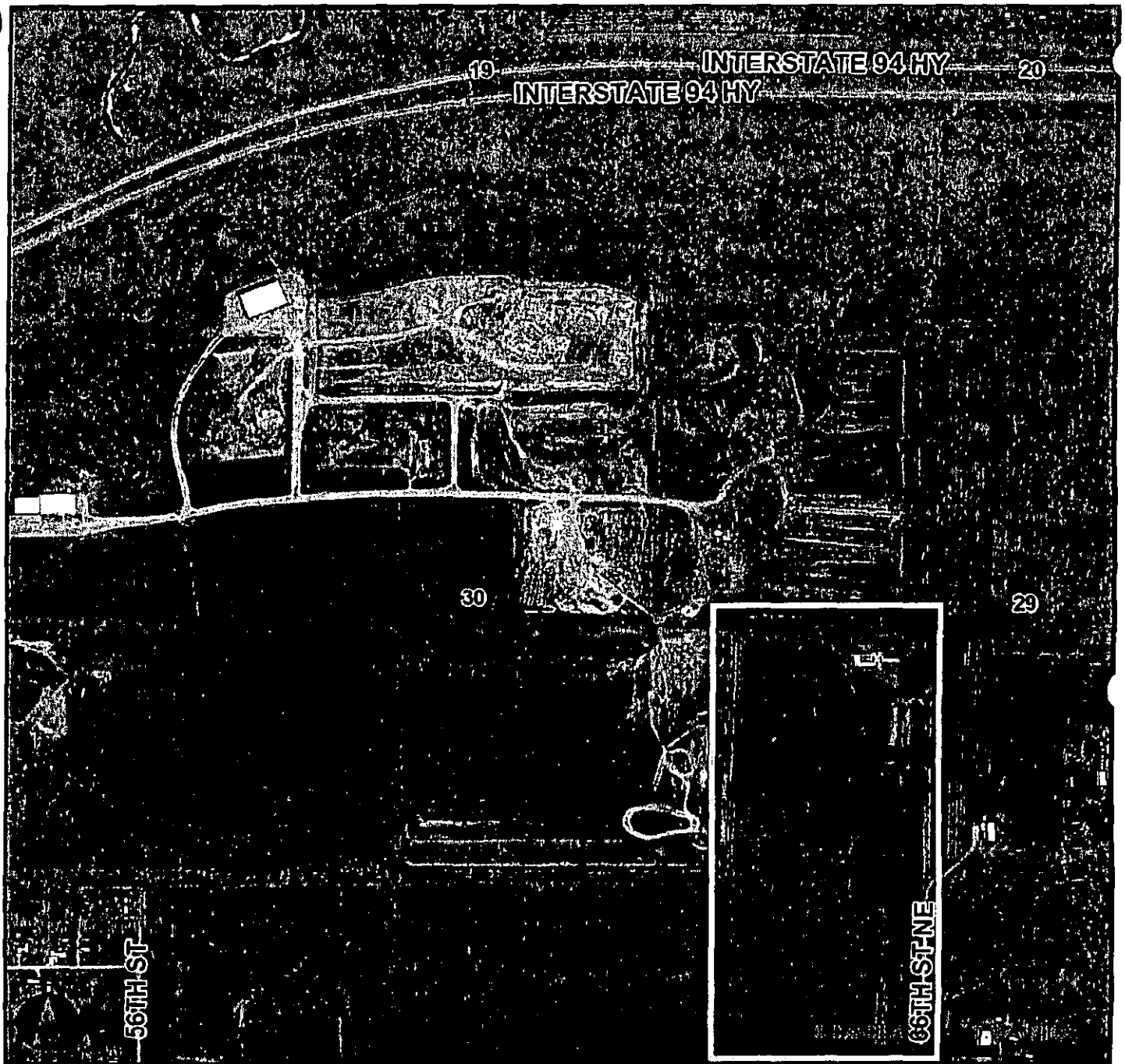


Exhibit C
Aerial Photograph of Proposed Site – Expanded View

P.13

12/31/10

ND Highway Patrol --

1011.73.118.

Statement of Expenses --

Department --

Total Funds --

Description	Appropriation	BTD Expenses	Unexpended Appropriation
Salaries and Wages	29,771,715	21,729,092	8,042,623
Data Processing	918,000	692,168	225,832
Operating Expenses	8,656,000	5,581,871	3,074,129
Equipment	2,256,000	805,126	1,450,874
Capital Improvements	150,000	55,596	94,404
Grants	500,000	135,383	364,617
Totals	42,251,715	28,999,236	13,252,479

Administration --

Total Funds --

Description	Appropriation	BTD Expenses	Unexpended Appropriation
Salaries and Wages	2,626,419	1,925,114	701,305
Data Processing	84,000	60,977	23,023
Operating Expenses	230,000	114,111	115,889
Equipment	40,000	16,123	23,877
Capital Improvements	0	0	0
Grants	0	0	0
Totals	2,980,419	2,116,325	864,094

Field Operations --

Total Funds --

Description	Appropriation	BTD Expenses	Unexpended Appropriation
Salaries and Wages	26,372,354	19,224,616	7,147,738
Data Processing	806,000	610,865	195,135
Operating Expenses	7,758,000	5,028,050	2,729,950
Equipment	2,190,000	782,646	1,407,354
Capital Improvements	126,000	37,391	88,609
Grants	500,000	135,383	364,617
Totals	37,752,354	25,818,951	11,933,403

Training Academy --

Total Funds --

Description	Appropriation	BTD Expenses	Unexpended Appropriation
Salaries and Wages	772,942	579,362	193,580
Data Processing	28,000	20,326	7,674
Operating Expenses	668,000	439,710	228,290
Equipment	26,000	6,357	19,643
Capital Improvements	24,000	18,205	5,795
Grants	0	0	0
Totals	1,518,942	1,063,960	454,982

Aircraft Operations Summary

Total Flight Hours: July 1, 2009 through December 31, 2010 – 216.1 Hours
Note: Pilot in NDHP Academy from January 2010 through June 2010

Activities:

07/09 Search for two hikers – Medora
08/09 Blood transport to Minnesota
08/09 Search for two individuals who left Mandan in a canoe
08/09 Crime scene photos of homicide scene near Killdeer
09/09 Search for Williston bank robber
09/09 Blood transport to Devils Lake
11/09 Search for missing students from Dickinson State University
05/10 Search James River for missing subject
06/10 Search for suspects from a pursuit that started in South Dakota and concluded near Ellendale
09/10 Search for missing child near New Salem
09/10 Search for robbery suspect in Aneta/Grand Forks area
09/10 Search for domestic violence suspect south of Mandan
10/10 Search for vehicle related to suicidal subject

Multiple flights related to aerial support for Criminal Interdiction and Sobriety Checkpoints
Multiple flights to assess flood related activities

State Fleet Summary

The final actual state fleet rate for the 2009-2011 biennium will end up being lower than the budgeted rate approved in the 2009 Legislative Session. However, as of January 31, 2011, the total mileage produced is higher than the budgeted level and will continue to be higher for the rest of the current biennium even if there are no emergency situations between now and June 30, 2011. The combination of these two conditions will result in an estimated unexpended state fleet appropriation of somewhere between \$300,000 and \$400,000. This total would be affected by any disaster-related incidents that may occur between now and the end of the biennium.

Special Funds History (Highway Fund, Highway Tax Distribution Fund)

1999-2001	100% special funds
2001-2003	24% special funds
2003-2005	29% special funds
2005-2007	27% special funds
2007-2009	13% special funds
2009-2011	13% special funds
2011-2013	13% special funds requested

Asset Forfeiture Fund

Collections are deposited into the NDHP Asset Forfeiture Fund when criminal and drug related cases result in a seizure of cash and property. Based on an agreement with the Attorney General's Office, 60% of the proceeds are returned to the NDHP, 20% to the ND Bureau of Criminal Investigation, and 20% to the local states attorney's office. As of January 31, 2011, the total amount deposited in this fund is \$18,397 and no expenses have yet been made.

Agency In-Service Training Conducted

ND Game and Fish
Sheriffs Departments
ND BCI
NDHP Support Staff

ND Parks and Recreation
NDHP Motor Carrier Operations
NDHP Sworn Officer

Sworn Officer Turnover

	2008	2009	2010
Retired	2	5	2
Resigned	6	3	1
Terminated	0	1	2

Turnover Rate – All Employees

	Retired			Resigned			Terminated		
	2008	2009	2010	2008	2009	2010	2008	2009	2010
Sworn	2	5	2	6	3	1	0	1	2
Motor Carrier Inspectors	1	0	0	0	0	0	1*	0	0
Support Personnel	0	1	1	2	2	1	0	0	1

*Died while still employed

Sergeant/Trooper Pay Classification Schedule

	Position	
	Sergeant	Trooper
1st Year	4,989	3,713
2nd Year	5,089	3,806
3rd Year	5,191	3,901
4th Year	5,295	3,998
5th Year	5,401	4,098
6th Year	5,509	4,201
7th Year		4,327
8th Year		4,457
9th Year		4,591
10th Year		4,751
13th Year		4,917

Motor Carrier Enforcement Combined Truck Enforcement, Weigh In Motion, Scale Hours

	Non-MCSAP Hours		MCSAP Hours	
	2009	2010	2009	2010
Troopers/Sergeants	7,015	9,704	1,632	2,593
Sworn MCSAP	167	238	9,230	9,794
Civilian MCSAP/BIP/New Entrant	165	85	13,190	12,066
Total Agency	7,347	10,027	24,052	24,453

10/11.2.11.11 A

NORTH DAKOTA DEPARTMENT OF TRANSPORTATION

(March 30, 2010)

STATE FLEET SERVICES
BUDGET GUIDELINES
2011-2013 BIENNIUM

DESCRIPTION	GROUP NO.	RATE	REPLCMNT RATE	MILE/HOUR RATE
Mini Pass. Van	1	0.490	0.01	0.500
Sedan/Wagon	2	0.360	0.01	0.370
Light Pickup/Cargo Van/Full-Size Utility	3	0.580	0.02	0.600
Heavy Pickup/Van/Full-Size Utility	4	0.680	0.02	0.700
Highway Patrol	7	0.590	0.02	0.610
Game Enforcement/Special	9	0.520	0.01	0.530
Facility Service Vehicle	12	1.390	0.02	1.410
Compact Utility/All	13	0.560	0.02	0.580
Miscellaneous Truck/Mid-Size Bus	18	46.000	5.00	51.000
Distributor Truck	19	45.000	25.00	70.000
Sign Truck/Garbage Truck	20	28.000	10.00	38.000
Tandem Axle Truck/All	22	57.000	15.00	72.000
Truck Tractor	23	43.000	10.00	53.000
Rotary Snowplow	24	95.000	5.00	100.000
Motor Coach	26	105.000	10.00	115.000
Water Comission Truck	27	44.000	0.000	44.000
Lineworker Truck	29	21.000	25.00	46.000
Shuttle Bus	30	26.000	5.00	31.000
Fuel Truck	31	8.000	6.50	14.500
Drill Truck	32	93.000	0.00	93.000

February 2011

HIGHWAY PATROL FUNDING HISTORY

The following schedule provides information regarding legislative appropriations for the Highway Patrol since 1965:

Biennium	Legislative Appropriations				
	General Fund	Highway Fund	Highway Tax Distribution Fund	Other Funds	Total
2011-13 executive budget	\$38,291,883		\$5,600,841	\$6,499,563	\$50,392,287
2009-11	\$31,357,985		\$4,550,725	\$6,343,005	\$42,251,715
2007-09	\$27,895,323		\$4,200,000	\$7,012,205	\$39,107,528
2005-07	\$20,080,862		\$7,516,175	\$7,222,571	\$34,819,608
2003-05	\$18,211,522		\$7,444,054	\$8,037,033	\$33,692,609
2001-03	\$19,768,701	\$6,200,000		\$7,429,443	\$33,398,144
1999-2001	\$9,506,236	\$13,285,610		\$2,454,032	\$25,245,878
1997-99	\$125,000	\$21,983,552		\$1,665,742	\$23,774,294
1995-97		\$19,593,534		\$2,316,000	\$21,909,534
1993-95		\$18,046,139		\$1,142,614	\$19,188,753
1991-93		\$18,176,835		\$560,658	\$18,737,493
1989-91		\$17,735,291		\$560,658	\$18,295,949
1987-89		\$16,458,925			\$16,458,925
1985-87	\$5,042,730	\$11,072,046			\$16,114,776
1983-85	\$7,085,127	\$6,224,596		\$316,013	\$13,625,736
1981-83	\$9,796,688			\$316,096	\$10,112,784
1979-81	\$3,098,239	\$3,908,936		\$894,017	\$7,901,192
1977-79	\$5,245,752			\$187,280	\$5,433,032
1975-77	\$4,440,774			\$186,297	\$4,627,071
1973-75		\$2,948,605		\$546,955	\$3,495,560
1971-73		\$2,675,358		\$105,000	\$2,780,358
1969-71		\$2,142,798			\$2,142,798
1967-69		\$1,961,450			\$1,961,450
1965-67		\$1,794,100			\$1,794,100

1011.2.15.11A

Prepared by the Legislative Council staff
for House Appropriations - Government
Operations Division
February 14, 2011

LISTING OF PROPOSED CHANGES TO HOUSE BILL NO. 1011

Department - Highway Patrol

Proposed funding changes:

Description	FTE	General Fund	Special Funds	Total
1 Remove three new FTE motor carrier officer positions (\$412,688) and related operating expenses (\$321,000)	(3.00)	(\$638,309)	(\$95,379)	(\$733,688)
2 Remove three existing FTE trooper positions that were removed in the agency base budget request and restored in the executive recommendation	(3.00)	(\$494,387)	(\$73,497)	(\$567,884)
3 Adjust funding for state fleet services to reflect a rate of 58 cents per mile for highway patrol vehicles rather than 61 cents per mile		(\$182,463)	(\$51,045)	(\$233,508)
4 Remove one-time funding for the construction of an emergency vehicle operations course and an indoor weapons training range		(\$3,558,300)	(\$531,700)	(\$4,090,000)
5 Add funding for weigh station repairs		\$250,000		\$250,000
Total proposed funding changes		<u>(\$4,623,459)</u>	<u>(\$751,621)</u>	<u>(\$5,375,080)</u>

Other proposed changes:

- 1 Transfer ownership of the Highway Patrol airplane to the Department of Transportation and also transfer related funding for maintenance
- 2 Adjust funding sources for the Highway Patrol budget

February 2011

HIGHWAY PATROL FUNDING HISTORY

The following schedule provides information regarding legislative appropriations for the Highway Patrol since 1965:

Biennium	Legislative Appropriations				
	General Fund	Highway Fund	Highway Tax Distribution Fund	Other Funds	Total
2011-13 executive budget	\$38,291,883		\$5,600,841	\$6,499,563	\$50,392,287
2009-11	\$31,357,985		\$4,550,725	\$6,343,005	\$42,251,715
2007-09	\$27,895,323		\$4,200,000	\$7,012,205	\$39,107,528
2005-07	\$20,080,862		\$7,516,175	\$7,222,571	\$34,819,608
2003-05	\$18,211,522		\$7,444,054	\$8,037,033	\$33,692,609
2001-03	\$19,768,701	\$6,200,000		\$7,429,443	\$33,398,144
1999-2001	\$9,506,236	\$13,285,610		\$2,454,032	\$25,245,878
1997-99	\$125,000	\$21,983,552		\$1,665,742	\$23,774,294
1995-97		\$19,593,534		\$2,316,000	\$21,909,534
1993-95		\$18,046,139		\$1,142,614	\$19,188,753
1991-93		\$18,176,835		\$560,658	\$18,737,493
1989-91		\$17,735,291		\$560,658	\$18,295,949
1987-89		\$16,458,925			\$16,458,925
1985-87	\$5,042,730	\$11,072,046			\$16,114,776
1983-85	\$7,085,127	\$6,224,596		\$316,013	\$13,625,736
1981-83	\$9,796,688			\$316,096	\$10,112,784
1979-81	\$3,098,239	\$3,908,936		\$894,017	\$7,901,192
1977-79	\$5,245,752			\$187,280	\$5,433,032
1975-77	\$4,440,774			\$186,297	\$4,627,071
1973-75		\$2,948,605		\$546,955	\$3,495,560
1971-73		\$2,675,358		\$105,000	\$2,780,358
1969-71		\$2,142,798			\$2,142,798
1967-69		\$1,961,450			\$1,961,450
1965-67		\$1,794,100			\$1,794,100

1011.2.15.11C

During the 2011-2013 biennium, for each one-cent change in the state fleet rate, the effect on biennial state fleet expenses for each Highway Patrol program is shown below:

Field Operations	\$76,623
Administration	820
LETA	393
Total NDHP	<u>\$77,836</u>

2 cent	\$155,672
3 cent	\$233,508
4 cent	\$311,344
5 cent	\$389,180
6 cent	\$467,016
7 cent	\$544,852
8 cent	\$622,688
9 cent	\$700,524
10 cent	\$778,360

LISTING OF PROPOSED CHANGES TO HOUSE BILL NO. 1011

Department - Highway Patrol

Proposed funding changes:

Description	FTE	General Fund	Special Funds	Total
1 Remove three new FTE motor carrier officer positions (\$412,688) and related operating expenses (\$321,000)	(3.00)	(\$638,309)	(\$95,379)	(\$733,688)
2 Remove three existing FTE trooper positions that were removed in the agency base budget request and restored in the executive recommendation	(3.00)	(\$494,387)	(\$73,497)	(\$567,884)
3 Adjust funding for state fleet services to reflect a rate of 58 cents per mile for highway patrol vehicles rather than 61 cents per mile		(\$182,463)	(\$51,045)	(\$233,508)
4 Remove one-time funding for the construction of an emergency vehicle operations course and an indoor weapons training range		(\$3,558,300)	(\$531,700)	(\$4,090,000)
5 Add funding for weigh station repairs		\$250,000		\$250,000
Total proposed funding changes		<u>(\$4,623,459)</u>	<u>(\$751,621)</u>	<u>(\$5,375,080)</u>

Other proposed changes:

- 1 Transfer ownership of the Highway Patrol airplane to the Department of Transportation and also transfer related funding for maintenance
- 2 Adjust funding sources for the Highway Patrol budget

Mr. Chairman and members of the senate appropriations committee. It is an honor to appear before you today. For the record I am Rep. Jeff Delzer from district 8 which is the parts of Mclean co and Burleigh co.

I am here to explain why the house introduced 1350 and what we are trying to accomplish. 1350 as amended is the same as 1011 the highway patrol budget bill. 1350 was introduced the same as we passed the highway patrol bill last session (2009). Then we had the council put together the governor's proposal as an amendment to the bill. This then allowed the house to see the request of the highway patrol to OMB and the governor's executive recommendation. Attachment A.

The government operations section then worked the bills 1011 and 1350 and had amendments made which makes the bills the same for the Senate. Attachment B is the amendment for 1011 and attachment c is the amendment for 1350. What we are trying to see is what difference it makes to take an amendment to the floor which shows the actual changes (usually increases) in the budget for the current session compared to the last session. As you can see with even allowing the reduction in staff which the agency has asked for in the past two sessions as well as not allowing the increase in staff that the governor requested it still shows an increase compared to last session. It seemed much easier for the whole house to see what we are actually doing to the budget instead of always talking about reducing the increase which is what attachment b shows.

Maybe in the senate where you can amend on the floor it will be different, but in the house under 1350 if someone wanted to kill the amendment then we would be back to last session's bill as where if they oppose the amendment on 1011 and succeed then the bill would be the governor's recommendation. Also in committee it takes a different vote to remove language than to add language or dollars. The feedback I have received from members is that there may well be a good reason to look at this way of budgeting for more bills next session. I believe it makes more transparency and better understanding especially with non appropriation members of the legislature.

That is why we put 1350 in, we passed both bills to give the senate the chance to see what we did and we understand that only one bill needs to be passed in the end. I hope this is helpful and would try to answer any questions.

Attachment

#

1

ATTACH A

Prepared by the Legislative Council staff for
House Appropriations
January 11, 2011

PROPOSED AMENDMENTS TO HIGHWAY PATROL APPROPRIATION BILL - LC NO. 11.0529.01
(To Incorporate Executive Budget Recommendation)

Page 1, line 10, replace "0" with "233,423" and replace the second "2,926,419" with "3,159,842"

Page 1, line 11, replace "0" with "4,341,603" and replace the second "37,198,354" with "41,539,957"

Page 1, line 12, replace "0" with "4,195,546" and replace the second "1,496,942" with "5,692,488"

Page 1, line 13, replace "0" with "8,770,572" and replace the second "41,621,715" with "50,392,287"

Page 1, line 14, replace "0" with "1,206,674" and replace the second "10,893,730" with "12,100,404"

Page 1, line 15, replace "0" with "7,563,898" and replace the second "30,727,985" with "38,291,883"

Page 1, line 16, replace "0.00" with "3.00" and replace the second "194.00" with "197.00"

Page 2, line 1, replace "100,000" with "100,000" and replace "0" with "0"

Page 2, after line 1, insert:

"Emergency vehicle operations course and weapons training range	0	4,090,000
Digital radio equipment upgrade	0	<u>1,237,000</u>

Page 2, line 2, replace "0" with "5,327,000"

Page 2, line 3, replace the second "0" with "692,700"

Page 2, line 4, replace "0" with "4,634,300"

Page 2, line 10, replace "\$4,550,725" with "\$5,600,841"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

House Bill - Highway Patrol - Executive Budget Changes

	Base Budget	Executive Budget Changes	Executive Budget
Administration	\$2,926,419	\$233,423	\$3,159,842
Field operations	37,198,154	4,341,603	41,539,957
Law enforcement training academy	1,496,942	4,195,546	5,692,488
Total all funds	\$41,621,715	\$8,770,572	\$50,392,287
Less estimated income	10,893,730	1,206,674	12,100,404
General fund	\$30,727,985	\$7,563,898	\$38,291,883
FTE	194.00	3.00	197.00

Department No. 504 - Highway Patrol - Detail of Executive Budget Changes

	Agency Budget Request Changes ¹	Executive Budget Changes ²	Total Executive Budget
Administration	\$85,760	\$147,663	\$233,423
Field operations	739,212	3,602,391	4,341,603
Law enforcement training academy	40,611	4,154,935	4,195,546
Total all funds	\$865,583	\$7,904,989	\$8,770,572
Less estimated income	63,075	1,143,599	1,206,674
General fund	\$802,508	\$6,761,390	\$7,563,898
FTE	(3.00)	6.00	3.00

¹ This amendment incorporates the following executive budget adjustments included in the agency budget request:

	FTE	General Fund	Special Funds	Total
Add state employee market equity adjustment (2009-11 allocation)		\$350,000		\$350,000
Base payroll changes, including reduction of 3 FTE positions	(3.00)	296,887	\$17,041	313,928
Decrease funding for operating expenses associated with the 3 positions removed		(123,000)	(18,000)	(141,000)
Increase funding for information technology costs		117,000	19,000	136,000
Increase funding for mobile data systems service contracts		55,000	8,000	63,000
Decrease funding for mileage reimbursement		(165,000)	(25,000)	(190,000)
Decrease funding for cell phone costs		(2,000)	(345)	(2,345)
Increase funding for building lease costs		285,621	64,379	350,000
Remove funding for equipment over \$5,000		(12,000)	(2,000)	(14,000)
Total	(3.00)	\$802,508	\$63,075	\$865,583

This amendment incorporates the following changes included in the **executive budget recommendation**:

	FTE	General Fund	Special Funds	Total
Base payroll changes		\$17,245	\$2,578	\$19,823
Add funding to restore positions removed in agency base budget request (OAR 2)	3.00	494,387	73,497	567,884
Add funding for 3 FTE motor carrier positions (OAR 4 adjusted)	3.00	631,731	94,397	726,128
Remove funding for building lease costs added in base budget request		(285,621)	(64,379)	(350,000)
Add one-time funding for radio equipment replacement (OAR 5)		1,076,000	161,000	1,237,000
Add one-time funding for emergency operations course and firearms range (OAR 3 adjusted)		3,558,300	531,700	4,090,000
Add funding for state employee compensation package		1,269,348	344,806	1,614,154
Total	6.00	\$6,761,390	\$1,143,599	\$7,904,989

Section 2 is changed to identify one-time funding items recommended in the executive budget.

Section 3 is changed to adopt the executive budget recommendation to provide funding of \$5,600,841 from the highway tax distribution fund instead of \$4,550,725 as provided in the 2009-11 biennium.

ATTACH B

11.8149.01001
Title.02000
Fiscal No. 1

Prepared by the Legislative Council staff for
House Appropriations - Government Operations
February 16, 2011

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1011

Page 1, replace lines 10 through 16 with:

"Administration	\$2,926,419	\$230,963	\$3,157,382
Field operations	37,198,354	3,060,162	40,258,516
Law enforcement training academy	<u>1,496,942</u>	<u>104,367</u>	<u>1,601,309</u>
Total all funds	\$41,621,715	\$3,395,492	\$45,017,207
Less estimated income	<u>10,893,730</u>	<u>455,053</u>	<u>11,348,783</u>
Total general fund	\$30,727,985	\$2,940,439	\$33,668,424
Full-time equivalent positions	194.00	(3.00)	191.00"

Page 2, replace line 1 with:

"Weigh station repairs	100,000	250,000"
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Page 2, remove lines 2 and 3

Page 2, replace lines 5 through 7 with:

"Total all funds	\$280,000	\$1,487,000
Total special funds	<u>0</u>	<u>161,000</u>
Total general fund	\$280,000	\$1,326,000"

Page 2, line 13, replace "\$5,600,841" with "\$4,849,220"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

House Bill No. 1011 - Highway Patrol - House Action

	Executive Budget	House Changes	House Version
Administration	\$3,159,842	(\$2,460)	\$3,157,382
Field operations	41,539,957	(1,281,441)	40,258,516
Law Enforcement Training Academy	5,692,488	(4,091,179)	1,601,309
Total all funds	\$50,392,287	(\$5,375,080)	\$45,017,207
Less estimated income	<u>12,100,404</u>	<u>(751,621)</u>	<u>11,348,783</u>
General fund	\$38,291,883	(\$4,623,459)	\$33,668,424
FTE	197.00	(6.00)	191.00

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

	Adjusts Funding for State Fleet Vehicle Mileage Rates ¹	Removes New Motor Carrier Positions ²	Removes Existing Trooper Positions ³	Adds Funding for Weigh Station Repairs ⁴	Removes Funding for Law Enforcement Training Academy Project ⁵	Total House Changes
Administration	(\$2,460)					(\$2,460)
Field operations	(229,869)	(733,688)	(567,884)	250,000		(1,281,441)
Law Enforcement Training Academy	(1,179)				(4,090,000)	(4,091,179)
Total all funds	(\$233,508)	(\$733,688)	(\$567,884)	\$250,000	(\$4,090,000)	(\$5,375,080)
Less estimated income	(51,045)	(95,379)	(73,497)	0	(531,700)	(751,621)
General fund	(\$182,463)	(\$638,309)	(\$494,387)	\$250,000	(\$3,558,300)	(\$4,623,459)
FTE	0.00	(3.00)	(3.00)	0.00	0.00	(6.00)

¹ Funding for state fleet mileage is reduced to reflect an estimated mileage rate of 58 cents per mile for Highway Patrol vehicles rather than 61 cents per mile.

² Three new FTE motor carrier positions and related operating expenses included in the executive budget are removed.

³ This amendment removes three FTE trooper positions that were removed in the agency base budget request and restored in the executive recommendation.

⁴ One-time funding of \$250,000 for weigh station repairs is added.

⁵ Funding for a Law Enforcement Training Academy shooting range and emergency vehicle operations course is removed.

ATTACK C

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Title.02000

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

February 16, 2011

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1350

Page 1, replace lines 10 through 16 with:

"Administration	\$2,926,419	\$230,963	\$3,157,382
Field operations	37,198,354	3,060,162	40,258,516
Law enforcement training academy	<u>1,496,942</u>	<u>104,367</u>	<u>1,601,309</u>
Total all funds	\$41,621,715	\$3,395,492	\$45,017,207
Less estimated income	<u>10,893,730</u>	<u>455,053</u>	<u>11,348,783</u>
Total general fund	\$30,727,985	\$2,940,439	\$33,668,424
Full-time equivalent positions	194.00	(3.00)	191.00"

Page 2, replace lines 1 through 4 with:

"Weigh station repairs	100,000	250,000
Digital radio upgrade	<u>0</u>	<u>1,237,000</u>
Total all funds	\$280,000	\$1,487,000
Total special funds	<u>0</u>	<u>161,000</u>
Total general fund	\$280,000	\$1,326,000"

Page 2, line 10, replace "\$4,550,725" with "\$4,849,220"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

House Bill No. 1350 - Highway Patrol - House Action

	Base Budget	House Changes	House Version
Administration	\$2,926,419	\$230,963	\$3,157,382
Field operations	37,198,354	3,060,162	40,258,516
Law enforcement training academy	1,496,942	104,367	1,601,309
Total all funds	\$41,621,715	\$3,395,492	\$45,017,207
Less estimated income	<u>10,893,730</u>	<u>455,053</u>	<u>11,348,783</u>
General fund	\$30,727,985	\$2,940,439	\$33,668,424
FTE	194.00	(3.00)	191.00

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

	Adjusts Funding for Compensation ¹	Adjusts Operating Budget ²	Adds Funding for Radio Equipment Replacement ³	Adds Funding for Weigh Station Repairs ⁴	Total House Changes
Administration	\$221,423	\$9,540			\$230,963
Field operations	1,967,376	(394,214)	\$1,237,000	\$250,000	3,060,162
Law enforcement training academy	101,546	2,821			104,367
Total all funds	\$2,290,345	(\$381,853)	\$1,237,000	\$250,000	\$3,395,492
Less estimated income	363,443	(69,390)	161,000	0	455,053
General fund	\$1,926,902	(\$312,463)	\$1,076,000	\$250,000	\$2,940,439
FTE	(3.00)	0.00	0.00	0.00	(3.00)

¹The following compensation adjustments are made:

	FTE	General Fund	Special Funds	Total
Add state employee market equity adjustment (2009-11 allocation)		\$350,000		\$350,000
Adjust for base payroll changes, including reduction of 3 FTE positions	(3.00)	314,132	\$19,619	333,751
Add funding for state employee compensation package		1,262,770	343,824	1,606,594
Total	(3.00)	\$1,926,902	\$363,443	\$2,290,345

²The following adjustments to operating expenses are made:

	FTE	General Fund	Special Funds	Total
Decrease funding for operating expenses associated with the 3 FTE positions removed in base payroll changes		(\$123,000)	(\$18,000)	(\$141,000)
Increase funding for information technology costs		117,000	19,000	136,000
Increase funding for mobile data systems service contracts		55,000	8,000	63,000
Decrease funding for mileage reimbursement to provide for an estimated rate of 58 cents per mile		(347,463)	(76,045)	(423,508)
Decrease funding for cell phone costs		(2,000)	(345)	(2,345)
Remove funding for equipment over \$5,000		(12,000)	(2,000)	(14,000)
Total		(\$312,463)	(\$69,390)	(\$381,853)

³One-time funding of \$1,237,000 is added for the replacement of radio equipment in Highway Patrol vehicles.

⁴One-time funding of \$250,000 is added for weigh station repairs.

This amendment also provides for the following changes:

- Section 2 is amended to provide that funding for vehicle radio replacements and weigh station repairs is one-time funding.
- Section 3 is changed to provide funding of \$4,849,220 from the highway tax distribution fund compared to \$4,550,725 provided in the 2009-11 biennium.

For comparison purposes only, the following is a list of budget adjustments included in the agency budget request:

	FTE	General Fund	Special Funds	Total
Add state employee market equity adjustment (2009-11 allocation)		\$350,000		\$350,000
Base payroll changes, including reduction of 3 FTE positions	(3.00)	296,887	\$17,041	313,928
Decrease funding for operating expenses associated with the 3 FTE positions removed		(123,000)	(18,000)	(141,000)

Increase funding for information technology costs	117,000	19,000	136,000	
Increase funding for mobile data systems service contracts	55,000	8,000	63,000	
Decrease funding for mileage reimbursement	(165,000)	(25,000)	(190,000)	
Decrease funding for cell phone costs	(2,000)	(345)	(2,345)	
Increase funding for building lease costs	285,621	64,379	350,000	
Remove funding for equipment over \$5,000	(12,000)	(2,000)	(14,000)	
Total	(3.00)	\$802,508	\$63,075	\$865,583

For comparison purposes only, the following is a list of changes included in the executive budget recommendation:

	FTE	General Fund	Special Funds	Total
Base payroll changes		\$17,245	\$2,578	\$19,823
Add funding to restore positions removed in agency base budget request	3.00	494,387	73,497	567,884
Add funding for 3 FTE motor carrier positions	3.00	631,731	94,397	726,128
Remove funding for building lease costs added in base budget request		(285,621)	(64,379)	(350,000)
Add one-time funding for radio equipment replacement		1,076,000	161,000	1,237,000
Add one-time funding for emergency operations course and firearms range		3,558,300	531,700	4,090,000
Add funding for state employee compensation package		1,269,348	344,806	1,614,154
Total	6.00	\$6,761,390	\$1,143,599	\$7,904,989

**Senate Appropriations Committee
HB 1011 – Highway Patrol Appropriations
Submitted by
James Prochniak, North Dakota Highway Patrol**

March 16, 2011

Introduction

Good afternoon, Mr. Chairman, and members of the Senate Appropriations Committee.

I am Colonel James Prochniak, Superintendent of the North Dakota Highway Patrol. It is truly an honor to be representing the Highway Patrol in front of you today.

I would also like to acknowledge various Chiefs and Sheriffs from all areas of the state. Their presence here today, along with their support and concern over our budget development, is a testament to the fact that no one law enforcement agency can accomplish everything on their own. It truly is a cooperative effort by all.

In 2010, the North Dakota Highway Patrol reached a milestone by celebrating 75 years of service. From its official inception date of July 1, 1935, until present day, the members of the Patrol pride themselves in providing professional, quality service to the motoring public.

A look back in the history of the Patrol quickly highlights some constant themes that have stood the test of time. In 1935, during the first year of service, then Superintendent Frank Putnam directed the Patrol into activities designed to inform the public about traffic safety. Some 50 years later, Superintendent Brian Berg describes the basis of the Patrol's development throughout history, has been service. Berg states the Patrol "wants to be the best law enforcement agency for the citizens of North Dakota."

Today, the Patrol continues to emphasize education and information sharing with our stakeholders as a strong part of our total enforcement package.

Prior to receiving the appointment of Superintendent, my position was a field commander. My emphasis then was directed toward public safety, educating motorists, officer safety, and working with local agencies. Those points of emphasis continue today.

Today, like in years past, all employees of the North Dakota Highway Patrol strive to carry out the safety message and work hard to be the best. Whether it's during safety presentations or through strong enforcement measures, investigating a crash, assisting a traveling motorist or assisting other agencies, our personnel take pride in performing their duties. Simply put, they are proud to wear the uniform of a North Dakota State Trooper; they are proud to work for the Patrol.

In a recently received "thank you" note, an emotional father describes his appreciation to the Patrol following the tragic loss of his son in a car crash. He comments.... "You should be very proud to have a person like Aaron who represents loyalty, professionalism, and kindness....I can't say enough about his kindness in this tragic situation."

Oftentimes, when situations are at their worst, the NDHP is at its best! Even then, our success is often measured by what doesn't occur.

However, we cannot rest on our laurels. This past year we implemented a customer survey in our website update. Early information indicates a majority of respondents are satisfied or extremely satisfied with the Patrol. We intend to use the information gathered to evaluate training, make policy decisions, and learn how to provide better service.

The NDHP's commitment towards high visibility and strong enforcement will continue as well. DUI enforcement and enforcement of accident causation violations will continue to be a major focal point. Recently, the NDHP and nearly 90 percent of all law enforcement agencies throughout the state committed to a multi-agency enforcement effort aimed at removing impaired drivers from the roads. The commitment of participating agencies is unprecedented.

Major Agency Accomplishments 2009-11

- In March 2010, the NDHP implemented a new computer aided dispatch (CAD). Computer aided dispatch provides dispatch personnel with the capability to view the location and status of all patrol units. The tools and displays of CAD allow dispatchers to handle calls for service as efficiently as possible while the integrated mobile data computer (MDC) component allows direct data transfer and mapping capabilities between State Radio and the MDCs in the patrol vehicles.
- E-permits System enhancements and website updates created efficiencies and provides additional options for the motor carrier industry. By increasing the access to the number of online permits, we went from conducting 8,772 transactions totaling \$491,547 in 2009 to over 37,000 transactions totaling \$1,350,476 in 2010.
- The NDHP's criminal interdiction efforts continue to be successful. The NDHP's K-9 teams prove to be a valuable tool in apprehension of the illegal drug traffickers. From August 2009 through March 2010, our K-9's were involved in the discovery of over 216 pounds of marijuana, 7 pounds of methamphetamine, and over \$50,000 of drug currency.
- In August 2009, the Commission on Accreditation for Law Enforcement Agencies voted unanimously to award the NDHP with international accredited status. The NDHP has been accredited since 1989 and was selected as a Flagship Agency indicating success in the accreditation process.

My presentation today will highlight the 2009-11 appropriation. I will also give an overview of 2011-13 budget needs and major variances and conclude with our agency optional requests.

The 2009-11 appropriation included the following one time funding items:

		Current <u>Spending</u>
Capitol Security Upgrade	\$80,000	\$73,950
Commercial Vehicle Information Exchange Window	\$100,000	\$98,462
Weigh Station Repairs	\$100,000	\$70,000

Barring unforeseen circumstances, i.e. natural disasters, the agency is hopeful to turn back \$350,000 to the general fund from the 2009-11 appropriation.

The NDHP 2011-13 biennium budget request is:

Funds	Current Budget	Executive Recommendation 2011-2013
State Funds	35,908,710	43,892,724
Federal Funds	6,343,005	6,499,563
Total Funds	42,251,715	50,392,287

Budget variances in the 2011-2013 biennium budget request:

- | | | |
|----|--|-------------|
| 1) | Decrease in State Fleet mileage rate of 3 cents/mile | \$(190,000) |
| 2) | Increase in data processing costs for inflation | \$136,000 |
| 3) | Increase in service contracts for mobile data software | \$63,000 |
| 4) | Decrease in equipment over \$5,000 | \$(14,000) |

Optional Adjustment Proposals

Option 1 – EVOC/Shooting range - \$4,090,000

Since its inception in 1970, the North Dakota Law Enforcement Training Academy has been committed to providing quality training to the state. With the passage of time and the evolution of curriculum, the needs of students and staff have outgrown the current facility.

High liability training including firearms training and emergency vehicle operations are a vital component of that curriculum.

More officers are killed or injured when driving their police units than any other means. Combine that frightening statistic with the fatal demise of officers by use of firearms, and the importance of proper training in these two areas becomes critical.

The NDHP proposes construction of an emergency vehicle operations course (EVOC) and indoor weapons training range. Law enforcement shooting range and EVOC proposal is a cooperative agreement between the City of Bismarck and the NDHP to secure land for the site of this project. I am pleased to report the Bismarck City Commission voted unanimously to deed the land to the North Dakota Highway Patrol for development.

An EVOC driving facility and shooting range are necessary in the instruction and certification of all law enforcement officers.

Emergency vehicle operation training is not only a requirement for police officers to be licensed, this training helps to ensure law enforcement officers operate their patrol vehicles in a safe manner. It also helps officers to realize the limitations of their patrol vehicle and their driving skills. The current track that is utilized is a parking lot located between the Bismarck Community Bowl and the new Bismarck Aquatics and Wellness Center. Due to increased traffic flow on campus and increased pedestrian traffic, as well as other safety concerns, this is no longer a viable location.

Weapons training and proficiency is also a requirement for law enforcement. Currently, we utilize a private indoor range, when available, at a minimum fee of \$250 per day. When the private range is not available, training is attempted at an older outdoor range owned by the

State Penitentiary. However, due to its close proximity to Apple Creek Elementary School, we are limited in the time of day it can be utilized as well as the weapons that can be fired. When limitations and constraints are placed on training, it compromises the level of knowledge and skills these individuals are able to bring to their place of employment.

The shooting range would include one 16 lane 25 yard indoor firing range with a weapons cleaning and maintenance room, weapons storage room with ammunition storage area, single classroom, a small office area, restrooms, and storage. The driving pad would support a 300 ft. x 1000 ft. EVOC for training law enforcement and other public safety agencies in the operation of emergency vehicles.

This optional request was pulled from our budget by the House of Representatives.

Option 2 – Additional Motor Carrier Troopers – \$726,128

The NDHP is the only state agency with authority to enforce size and weight limitations. Deteriorating highway infrastructure directly impacts the safety of the motoring public. The function of size and weight enforcement is a critical component of infrastructure protection in the state. Motor carrier traffic in western North Dakota has increased significantly since the early 2000's. In addition, the increase in fatality traffic crashes in western North Dakota impacts our ability to increase our efforts in size and weight enforcement with existing personnel.

Increased crashes and extra pressure on infrastructure has not gone unnoticed. The NDHP has made a concentrated effort to focus on the issues facing oil country. Overtime, specialty assignments, troopers working from various locations in the state, changes to online permitting, reaching out to the oil industry, all of these measures have been conducted in an effort to stem the tide associated with the boom. From June of 2010 through October of 2010, over 1230 hours of specialty overtime was used to address many of the concerns in oil country. Combine that with nearly 4500 hours of other overtime during the same time period, and admittedly, it becomes a pace of activity that we simply cannot sustain.

The increase in motor vehicle traffic that we hear so much about is depicted in the below chart. The increase in motor carrier traffic is occurring at interior locations within western North Dakota as opposed to interstate travel. For example, the 2008/2009 daily truck counts on US 2 near the Montana border and I-94 west of Belfield is very similar to 2002/2003. While the daily truck counts near Fairfield on US 85, Manning on ND 22, New Town on ND 23, and Ray on US 2 have increased significantly.

Average Daily Truck Counts					
	2002	2003	2008	2009	2010
I-94 : Painted Canyon 7.8 miles W of US 85	1043	1039	1165	1096	1155
US 2: 2.4 miles east of the Montana line	138	130	100	147	280
US 85: 5.1 miles north of I-94 (Fairfield)	274	270	507	505	641
ND 22: South of Manning	141	144	408	538	932
ND 23: 4.7 miles east of ND 22 (New Town)	141	131	548	678	1217
US 2: 2.1 miles west of Ray	259	255	669	782	1332

The State plans to invest an unprecedented amount of dollars into highway infrastructure. Much of that investment is going to occur in the west. Protecting that investment only makes sense.

The North Dakota Highway Patrol proposes an increase of three FTEs specifically assigned to motor carrier enforcement. Targeted post assignments would involve the western third of the state depending on the availability of adequate housing. These motor carrier officers would be unique in their assignment as their time would be devoted to truck enforcement. With the concentrated efforts on truck enforcement, our traffic troopers in those locations can concentrate their efforts on traffic safety measures.

Below is a graphic which depicts the average work generated in a given year from the additional Motor Carrier officers.

2009 WORK HOURS & ACTIVITIES		
Motor Carrier Enforcement Trooper		
	One Trooper	Three Troopers
→ Truck Enforcement Hours	550	1,650
Road Patrol Hours	1,465	4,395
→ Miles of Road Patrol	22,256	66,768
Citations	486	1,458
Warnings	256	768
Highway Assists	35	105
Calls for service	65	195
Fatality Crashes	0	0
Injury Crashes	8	24
Property Crashes	21	63
Animal Only	24	72
Community Policing	48	144
Permits Issued	29	87
→ Trucks Weighed	191	573
→ Overloads	32	96
→ Driver/Vehicle Inspections	267	801
Out of Service Violations	10	30

Existing motor carrier assignments for size and weight enforcement in the Northwest and Southwest Regions are: Williston (2), Minot (2), Dickinson (1), Hazen (1), and Bismarck (1).

This optional request was removed from the budget by the House of Representatives. In addition, they also removed three additional troopers for an actual reduction in force, all during a time of population growth and increased traffic activity.

Option 3 – Mobile Radio Equipment – \$1,237,000

We have all heard the term, “communication is crucial.” In law enforcement, it is your lifeline.

As beneficial as technology can be, it often has a downside. Technology can change at a fast pace. Oftentimes the changes simply result in greater convenience, and from a practical standpoint, may not be required to accomplish your daily routine. However, there are times

when the technological advances can leave you in the cold. Currently, our troopers are experiencing this problem.

A large portion of each NDHP patrol vehicle mobile radio system needs to be replaced. Based on the current VHF State Radio network in North Dakota, vehicular repeaters are required in each vehicle in order to provide adequate portable radio coverage. Portable radios are needed whenever a trooper is outside of a patrol vehicle. The vehicular repeater technology gives the low power portable radios high power capability by routing the transmission through the high power vehicle mobile radio system.

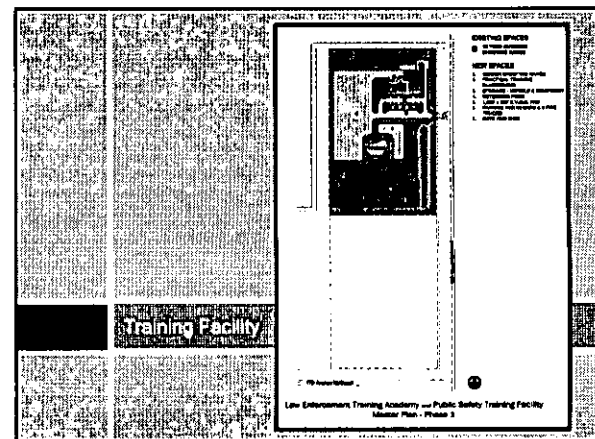
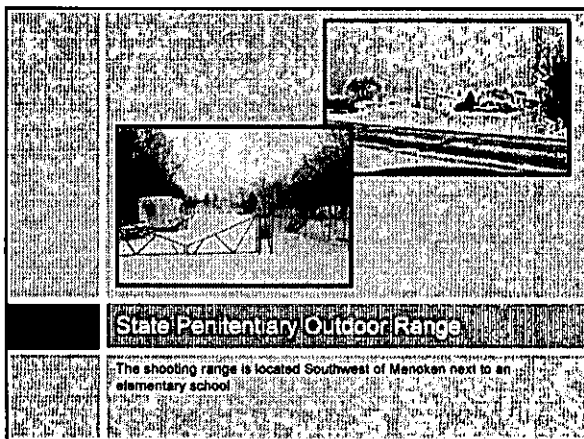
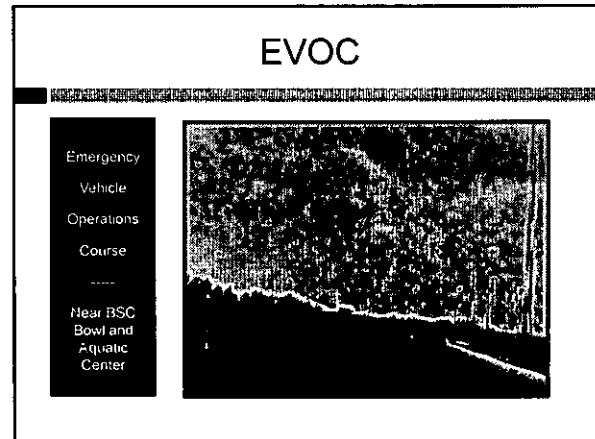
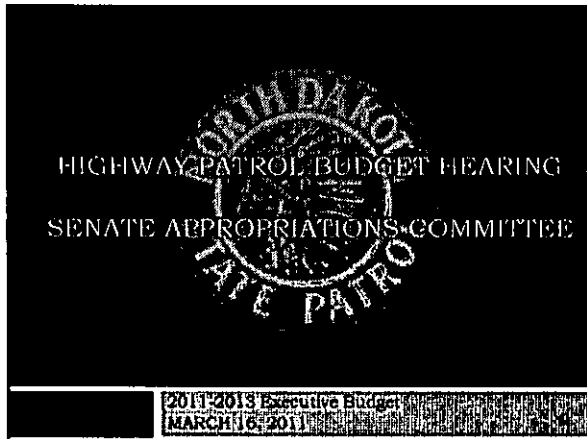
Based on the evolution of public safety communications, the current repeater technology is no longer adequate. The NDHP proposes replacing it with new repeater technology.

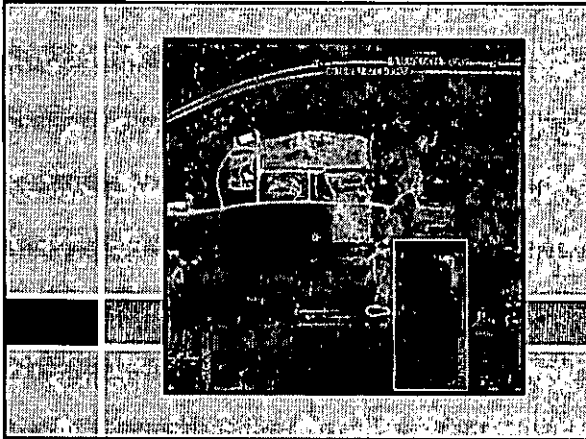
Replacing communication systems for our officers is vital to their safety and to the safety of those they serve. With the current evolution of digital, our radio communications is suffering. Our troopers have difficulty communicating with State Radio when outside of their vehicles. On many occasions, the officers are only a few feet away from the patrol vehicles.

Mr. Chairman, members of the committee, the NDHP budget request considered law enforcement safety a priority by asking for proper training facilities and radio communication replacement for our troopers on the road. Additionally, the request for Motor Carrier officers is in response to the growing needs created by the oil impact and the need to protect highway infrastructure. I respectfully ask you to consider these requests.

CD with NDHP Powerpoint and videos for budget hearing on 3/16/11 for HB 1011
is available upon request

3/16/11
NDHP PPT for
budget hearing



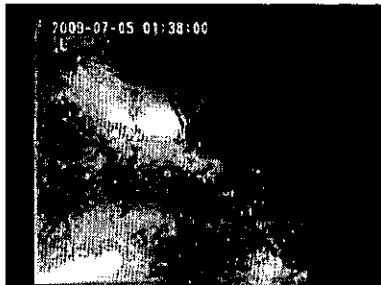


I-94 near Medina - March 11, 2011



Traffic Stop with Vehicle Fire

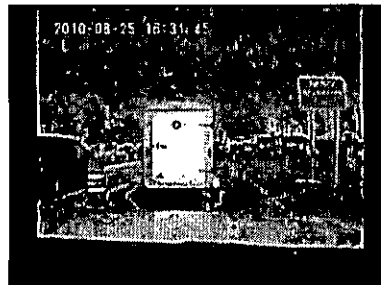
Trooper attempts to call for assistance but dispatch is unable to hear the transmission



Traffic Crash in a Construction Zone

Trooper attempts to call another responding officer but is unable to get through

Only feet from his vehicle



DUI Traffic Stop

Uncooperative
female
passenger
fails to follow
trooper's
commands

Dispatch
doesn't hear
the trooper's
call for
assistance

2009-10-31 23:28 20



**HB 1350 Testimony
Paul D. Laney
Cass County Sheriff**

You have before you an opportunity to assist in the future development of law enforcement in the State of North Dakota. In the original Governor's Budget, there was funding for the first phase of a new Law Enforcement Training Academy. This first phase was the development of the Emergency Vehicle Operations Course (EVOC) track and the building of a modern shooting range. This planning has been in the works for many years and the 2011 biennium was to be the kick off of this plan. The second phase, scheduled for presentation at another biennium, would add the dorm, and classroom portion of the facility. The City of Bismarck has donated the land to build the range and the facility has received the support of all involved.

If the funding is cut for this facility, it may hamper the ability of the State of North Dakota to train its peace officers in the future. The current academy is not large enough to handle all the training requests asked of them, and because it is located in the middle of the campus of Bismarck State College, there is no room for growth. In a time where Law Enforcement is under constant scrutiny, the proper training of our personnel is critical. The development of the new academy grounds, in a graduated and responsible fiscal manner, will allow North Dakota peace officers to be on the cutting edge in their skill development as peace officers.

I urge you to reinstate the funds originally identified in the Governor's Budget in HB 1350 and assist in the development of law enforcement in the great state of North Dakota.

My name is Kelly Janke, Sheriff of Nelson County.

I am here today to express my concern regarding the North Dakota Highway Patrol budget.

Three years ago Nelson County was without a trooper for approximately 9 months due to a transfer.

During that 9 month I wrote several letters and made several phone calls, either to field supervisor or directly to the Colonel expressing my frustrations of having to handle calls which were once handled by the NDHP

The Sheriff's Department's in this state under statue are officers of the court, we handle criminal complaints, investigate complaints, serve summons, subpoena's, executions and so much more.

We look at the North Dakota Highway Patrol as traffic safety, handling vehicle crashes (property, injury or fatalities), overweight's, permits, inspections, investigations, DUI enforcement, educate and not to mention the many contacts they have with motorist which chose to ignore the rules of the road.

I ask that you support the North Dakota Highway Patrol Budget so that together we can continue to keep the roads a safe place to travel.

Thank you

Bob Rost

From: Bob Rost**Sent:** Tuesday, March 08, 2011 9:04 AM**To:** 'rholmberg@nd.gov'; 'ctriplett@nd.gov'; 'guglem@nd.gov'; 'macschneider@nd.gov'; 'laffen@nd.gov'**Subject:** HB 1011 Highway Patrol Training Center

This is Sheriff Bob Rost and I encourage you to support the Highway Patrol Bill Dealing with Training Center and EVOC track. This was cut from the House Bill. I want to remind you how important Training is to this State and to Law Enforcement in general. Liability issues are huge for failing to Train officers with the best possible facilities and instruction. If you have not been to Pierre, South Dakota and seen there training center, this is state of the art and so far ahead of North Dakota. Many National training's that become available choose to go to South Dakota because of there Training facility. The City of Bismarck is donating the land so that is not an issue where it will be. I would encourage you to support this bill

DUTY- RESPONSIBILITY

✓TROOPERS OUT

3/14/2011

B



North Dakota Highway Patrol



Colonel James J. Prochniak, Superintendent
Capitol, 600 E Boulevard Ave. Dept. 504
Bismarck, ND 58505-0240
Telephone: 701-328-2455

Jack Dalrymple
Governor
State of North Dakota

March 18, 2011

Senator Karen Krebsbach, Chair
Senate Appropriations Subcommittee
North Dakota Senate
600 E Boulevard Avenue
Bismarck, ND 58505

Dear Senator Krebsbach:

Attached is a graph and operating expense detail requested by the subcommittee working on the Highway Patrol budget, HB1011. I also wanted to further mention that our total sworn FTEs is 144, but two of them are not funded and may only be used during the six-month recruit training program.

Thank you for your time.

Sincerely,

JAMES J. PROCHNIAK
Colonel, NDHP
Superintendent

jjp/gs
Attachments
c/Senator Ray Holmberg, Chairman
✓ Senate Appropriations Committee

A

Highway Patrol Base Budget Data, 2011-2013 Biennium Budget Request

Total State Funds, Dept, 2011-2013 Submitted Base Budget Request, Adjusted by Exec. Recommendation \$ 36,362,000

Salaries \$ 27,026,000

State Fleet Expenses \$ 4,184,000

Other Fixed Costs, Operating Expenses:

IT including Telecommunications,	\$ 968,000
Equipment Under \$5,000	\$ 866,000
Building Lease Rentals	\$ 378,000
ND POST Board Training Programs	\$ 250,000
Cell Phone Expenses	\$ 247,000
Travel	\$ 186,000
Utilities	\$ 149,000
Equipment Repairs	\$ 146,000
Food Supplies - LETA	\$ 106,000
Equipment Maintenance Contracts	\$ 87,000
Blood Alcohol Tests, K-9 Teams, & Other Expenses Billed by Hospitals	\$ 83,000
Software	\$ 81,000
Printing from OMB and Others	\$ 80,000
Professional Development	\$ 77,000
Sworn Officer Physicals	\$ 70,000
Postage	\$ 66,000
Ammunition	\$ 64,000
Property & Risk Mgmt Insurance	\$ 63,000
Building & Grounds Repairs	\$ 62,000
Copier Machine Rentals	\$ 60,000
Professional Services	\$ 56,000
Advertising - Safety Programs & Hiring	\$ 52,000
LETA Special Training Programs	\$ 50,000
Cleaning Contract - LETA	\$ 44,000
Audit Fees	\$ 30,000
Misc Building Space Rental-Shooting Ranges, etc.	\$ 18,000
Laundry & Dry Cleaning	\$ 15,000

Total Other Fixed Costs, Operating Expenses: \$ 4,354,000

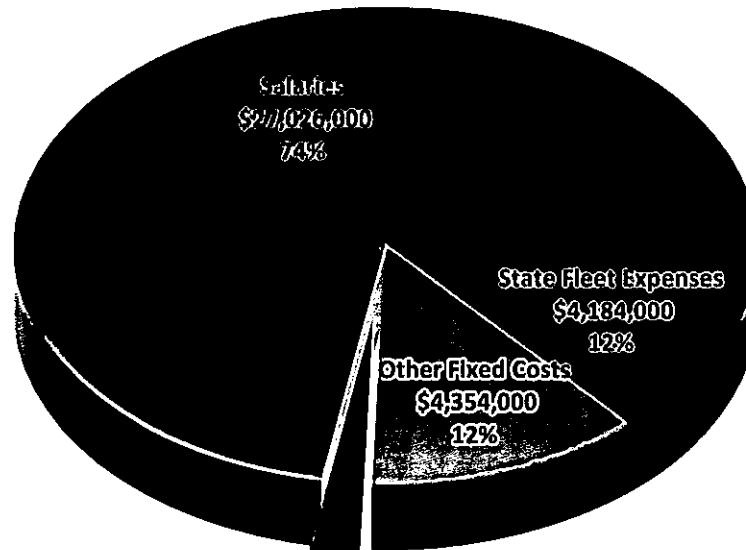
Other Operating Expenses, State Funds: \$ 798,000

Recap of Above Totals:

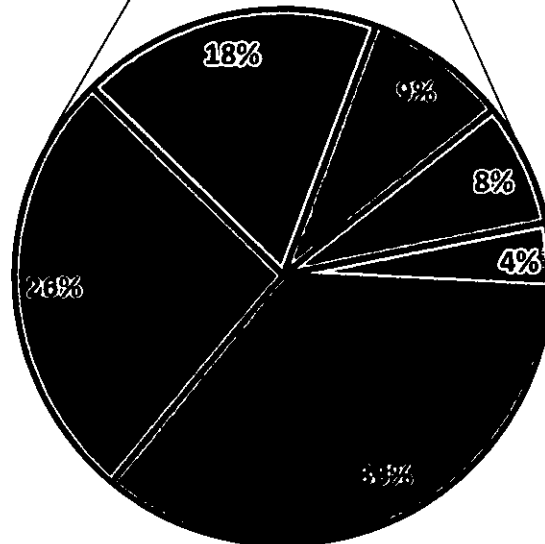
Salaries	\$ 27,026,000	74%
State Fleet Expenses	\$ 4,184,000	12%
Other Fixed Costs	\$ 4,354,000	12%
Other Operating Costs	\$ 798,000	2%

Total State Funds, Dept, 2011-2013 Submitted Base Budget Request, Adjusted by Exec. Recommendation \$ 36,362,000 100%

2011-2013 Base Budget Request State Funds



Other Operating Costs -- 2%
\$798,000



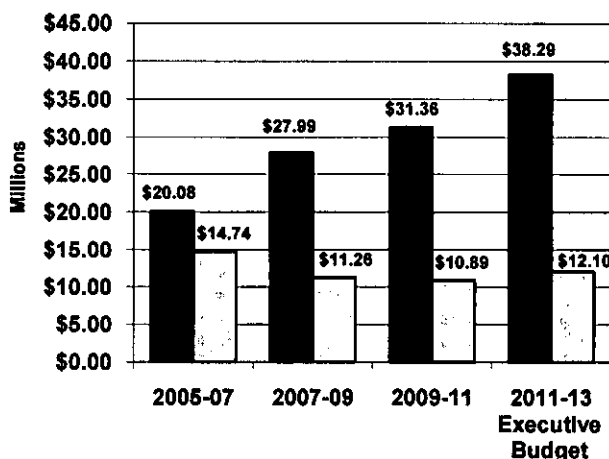
- ☐ Equipment Under \$750
- ☐ Clothing
- ☐ P-card Supply Purchases
- ☐ Bldg, Grounds, Maintenance Supplies
- ☐ Educational Supplies
- ☐ Office Supplies

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

	FTE Positions	General Fund	Other Funds	Total
2011-13 Executive Budget	197.00	\$38,291,883	\$12,100,404	\$50,392,287
2009-11 Legislative Appropriations	194.00	31,357,985	10,893,730	42,251,715 ¹
Increase (Decrease)	3.00	\$6,933,898	\$1,206,674	\$8,140,572

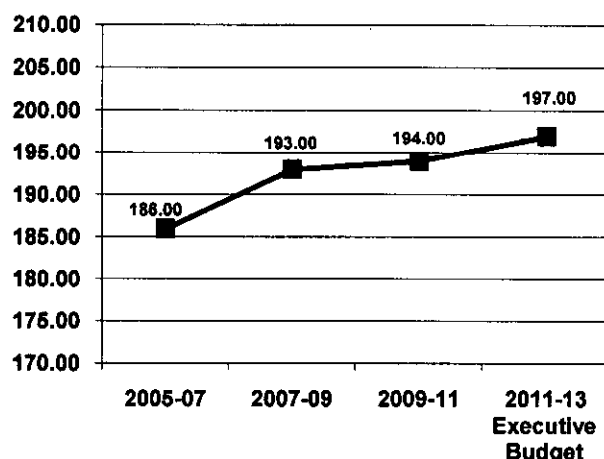
¹The 2009-11 appropriation amounts include \$350,000 from the general fund for the agency's share of the \$16 million funding pool appropriated to the Office of Management and Budget for special market equity adjustments for executive branch employees.

Agency Funding



■ General Fund □ Other Funds

FTE Positions



Ongoing and One-Time General Fund Appropriations

	Ongoing General Fund Appropriation	One-Time General Fund Appropriation	Total General Fund Appropriation
2011-13 Executive Budget	\$33,657,583	\$4,634,300	\$38,291,883
2009-11 Legislative Appropriations	31,077,985	280,000	31,357,985
Increase (Decrease)	\$2,579,598	\$4,354,300	\$6,933,898

First House Action

Attached as Appendix A is a summary of first house changes.

**Executive Budget Highlights
(With First House Changes in Bold)**

	General Fund	Other Funds	Total
1. Reduces funding for motor pool costs based on 2011-13 biennium estimated mileage rates for Highway Patrol vehicles. The House further reduced funding for estimated mileage rates by \$233,508, of which \$182,463 is from the general fund.	(\$165,000)	(\$25,000)	(\$190,000)
2. Adds 3 FTE motor carrier officer positions (\$412,688) and related operating expenses (\$321,000) to increase vehicle weight enforcement in areas affected by oil and gas development. The House removed these FTE positions and related funding.	\$638,309	\$95,379	\$733,688
3. Adds one-time funding for the construction of an emergency vehicle operations course and an indoor weapons training range. The House removed this funding.	\$3,558,300	\$531,700	\$4,090,000
4. Adds one-time funding to replace analog radio equipment in Highway Patrol vehicles	\$1,076,000	\$161,000	\$1,237,000

- | | | |
|---|-------------|-------------|
| 5. Removes one-time funding provided in the 2009-11 biennium relating to weigh station repairs, Capitol security upgrades, and planning for the implementation of a commercial vehicle information exchange window system and network | (\$280,000) | (\$280,000) |
|---|-------------|-------------|

Other Sections in Bill

Highway tax distribution fund - Section 3 provides for \$4,849,220 of special funds from the highway tax distribution fund to be used for Highway Patrol operations.

Highway patrol officer per diem - Section 4 provides for highway patrol officer per diem of \$200 per month during the 2011-13 biennium, the same amount as provided during the 2009-11 biennium. The per diem payments are in lieu of reimbursement for meal and other expenses while in travel status within the state.

Continuing Appropriations

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

Major Related Legislation

Senate Bill No. 2108 - Increases the state and employee contributions into the Highway Patrolmen's retirement plan by 1 percent on January 1, 2012, and 1 percent on January 1, 2013.

Senate Bill No. 2308 - Allows the Highway Patrol to establish an online electronic permitting system for oversize and overweight vehicles.

Alternative Appropriation Format

House Bill No. 1350, introduced by the House Appropriations Committee, presents the appropriation for the Highway Patrol in a format that provides for the bill as introduced to be at the 2009-11 biennium level rather than the executive budget recommended level. The executive budget recommended changes were included in proposed amendments attached to the bill when introduced. The 2011-13 appropriations included in the engrossed bill are the same as the appropriations included in House Bill No. 1011. Attached as Appendix B is a summary of first house changes as provided in House Bill No. 1350 using the alternative format.

ATTACH:2

STATEMENT OF PURPOSE OF AMENDMENT:

House Bill No. 1011 - Funding Summary

	Executive Budget	House Version	Senate Changes	Senate Version
Highway Patrol				
Administration	\$3,159,842	\$3,157,382	\$4,920	\$3,162,302
Field operations	41,539,957	40,258,516	1,761,310	42,019,826
Law Enforcement Training Academy	5,692,488	1,601,309	1,992,360	3,593,669
Total all funds	\$50,392,287	\$45,017,207	\$3,758,590	\$48,775,797
Less estimated income	12,100,404	11,348,783	529,666	11,878,449
General fund	\$38,291,883	\$33,668,424	\$3,228,924	\$36,897,348
FTE	197.00	191.00	6.00	197.00
Bill Total				
Total all funds	\$50,392,287	\$45,017,207	\$3,758,590	\$48,775,797
Less estimated income	12,100,404	11,348,783	529,666	11,878,449
General fund	\$38,291,883	\$33,668,424	\$3,228,924	\$36,897,348
FTE	197.00	191.00	6.00	197.00

House Bill No. 1011 - Highway Patrol - House Action

	Executive Budget	House Changes	House Version
Administration	\$3,159,842	(\$2,460)	\$3,157,382
Field operations	41,539,957	(1,281,441)	40,258,516
Law Enforcement Training Academy	5,692,488	(4,091,179)	1,601,309
Total all funds	\$50,392,287	(\$5,375,080)	\$45,017,207
Less estimated income	12,100,404	(751,621)	11,348,783
General fund	\$38,291,883	(\$4,623,459)	\$33,668,424
FTE	197.00	(6.00)	191.00

Department 504 - Highway Patrol - Detail of House Changes

	Adjusts Funding for State Fleet Services Vehicle Mileage Rates ¹	Removes New Motor Carrier Positions ²	Removes Existing Trooper Positions ³	Adds Funding for Weigh Station Repairs ⁴	Removes Funding for Law Enforcement Training Academy Project ⁵	Total House Changes
Administration	(2,460)					(2,460)
Field operations	(229,869)	(733,688)	(567,884)	250,000		(1,281,441)
Law Enforcement Training Academy	(1,179)				(4,090,000)	(4,091,179)
Total all funds	(\$233,508)	(\$733,688)	(\$567,884)	\$250,000	(\$4,090,000)	(\$5,375,080)
Less estimated income	(51,045)	(95,379)	(73,497)	0	(531,700)	(751,621)
General fund	(\$182,463)	(\$638,309)	(\$494,387)	\$250,000	(\$3,558,300)	(\$4,623,459)
FTE	0.00	(3.00)	(3.00)	0.00	0.00	(6.00)

¹ Funding for State Fleet Services mileage is reduced to reflect an estimated mileage rate of 58 cents per mile for Highway Patrol vehicles rather than 61 cents per mile.

Three new FTE motor carrier positions and related operating expenses included in the executive budget are removed.

³ This amendment removes three FTE trooper positions that were removed in the agency base budget request and restored in the executive recommendation.

⁴ One-time funding of \$250,000 for weigh station repairs is added.

⁵ Funding for a law enforcement training academy shooting range and emergency vehicle operations course is removed.

House Bill No. 1011 - Highway Patrol - Senate Action

	Executive Budget	House Version	Senate Changes	Senate Version
Administration	\$3,159,842	\$3,157,382	\$4,920	\$3,162,302
Field operations	41,539,957	40,258,516	1,761,310	42,019,826
Law Enforcement Training Academy	5,692,488	1,601,309	1,992,360	3,593,669
Total all funds	\$50,392,287	\$45,017,207	\$3,758,590	\$48,775,797
Less estimated income	12,100,404	11,348,783	529,666	11,878,449
General fund	\$38,291,883	\$33,668,424	\$3,228,924	\$36,897,348
FTE	197.00	191.00	6.00	197.00

Department 504 - Highway Patrol - Detail of Senate Changes

	Adjusts Funding for State Fleet Services Mileage Rates ¹	Restores New Motor Carrier Positions ²	Restores Trooper Positions ³	Restores Funding for Emergency Vehicle Operations Course ⁴	Total Senate Changes
Administration	4,920				4,920
Field operations	459,738	733,688	567,884		1,761,310
Law Enforcement Training Academy	2,358			1,990,002	1,992,360
Total all funds	\$467,016	\$733,688	\$567,884	\$1,990,002	\$3,758,590
Less estimated income	102,090	95,379	73,497	258,700	529,666
General fund	\$364,926	\$638,309	\$494,387	\$1,731,302	\$3,228,924
FTE	0.00	3.00	3.00	0.00	6.00

¹ Funding for State Fleet Services mileage is increased to reflect an estimated mileage rate of 64 cents per mile for Highway Patrol vehicles. The executive recommendation provided funding for an estimated mileage rate of 61 cents per mile, and the House reduced funding to reflect an estimated mileage rate of 58 cents per mile.

² Three new FTE motor carrier positions and related funding removed by the House are restored.

³ Three FTE trooper positions and related funding removed by the House are restored. The positions were removed in the agency budget request and restored in the executive recommendation.

⁴ Funding is restored for an emergency vehicle operations course removed by the House. The executive recommendation included funding for an emergency vehicle operations course and indoor shooting range which were removed by the House.

This amendment also adjusts Section 2 to provide that funding for the emergency vehicle operations course is one-time funding.

1011.4.14.114



North Dakota Highway Patrol



James J. Prochniak, Superintendent
State Capitol, 600 E Boulevard Ave. Dept. 504
Bismarck, ND 58505-0240
Telephone: 701-328-2455

March 24, 2011

Jack Dalrymple
Governor
State of North Dakota

Senator Karen Krebsbach, Chair
Senate Appropriations Subcommittee
North Dakota Senate
600 E Boulevard Avenue
Bismarck, ND 58505

Dear Senator Krebsbach:

SUBJECT: EVOC/INDOOR RANGE

Here is additional information regarding the EVOC/Indoor Range estimate provided by Mr. Joel Leapaldt, an architect with OMB:

The architect used a combination of Department of Defense guidelines, the Whole Building Design Guide (WBDG), and Means Cost Estimating. The WBDG is used by Federal agencies and covers everything from shooting ranges to embassies.

The EVOC pad was based on 300,000 SF. Materials are based on either DOD or WBDG. Costs are from Means Cost Estimating, adjusted for Bismarck.

Pad prep	\$425,000
Stabilization layer	\$324,000 (\$1.08/SF)
6" Base	\$125,171 (\$33.83/CY)
Add. 6" Base	\$125,171 (Recommended for heavy vehicles above patrol cars)
4 1/2" Paving	\$666,660 (\$20/SF)
Finish Seal Coat	\$324,000 (\$1.08/SF)

The shooting range was based on 16 firing lanes and the support spaces necessary. The building, for simple cost estimating purposes is 80' x 160' or 12,800 SF.

Building shell	\$1,536,000 (120/SF)
Firing Stall	\$497,000 (\$31,000/stall)
Add ventilation	\$64,000 (\$5/SF)
Total	\$4,090,000

Again, these are very preliminary numbers. The fees and contingency have not been separated.

Sincerely,

JAMES J. PROCHNIAK
Colonel, NDHP
Superintendent

jjp/blc

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1011

Page 1, replace lines 10 through 16 with:

"Administration	\$2,926,419	\$230,963	\$3,157,382
Field operations	37,198,354	3,060,162	40,258,516
Law enforcement training academy	<u>1,496,942</u>	<u>104,367</u>	<u>1,601,309</u>
Total all funds	\$41,621,715	\$3,395,492	\$45,017,207
Less estimated income	<u>10,893,730</u>	<u>455,053</u>	<u>11,348,783</u>
Total general fund	\$30,727,985	\$2,940,439	\$33,668,424
Full-time equivalent positions	194.00	(3.00)	191.00"

Page 2, replace line 1 with:

"Weigh station repairs	100,000	250,000"
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Page 2, remove lines 2 and 3

Page 2, replace lines 5 through 7 with:

"Total all funds	\$280,000	\$1,487,000
Total special funds	0	<u>161,000</u>
Total general fund	\$280,000	\$1,326,000"

Page 2, line 13, replace "\$5,600,841" with "\$4,849,220"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

House Bill No. 1011 - Highway Patrol - House Action

	Executive Budget	House Changes	House Version
Administration	\$3,159,842	(\$2,460)	\$3,157,382
Field operations	41,539,957	(1,281,441)	40,258,516
Law Enforcement Training Academy	5,692,488	(4,091,179)	1,601,309
Total all funds	\$50,392,287	(\$5,375,080)	\$45,017,207
Less estimated income	<u>12,100,404</u>	<u>(751,621)</u>	<u>11,348,783</u>
General fund	\$38,291,883	(\$4,623,459)	\$33,668,424
FTE	197.00	(6.00)	191.00

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

	Adjusts Funding for State Fleet Vehicle Mileage Rates ¹	Removes New Motor Carrier Positions ²	Removes Existing Trooper Positions ³	Adds Funding for Weigh Station Repairs ⁴	Removes Funding for Law Enforcement Training Academy Project ⁵	Total House Changes
Administration	(\$2,460)					(\$2,460)
Field operations	(229,869)	(733,688)	(567,884)	250,000		(1,281,441)
Law Enforcement Training Academy	(1,179)				(4,090,000)	(4,091,179)
Total all funds	(\$233,508)	(\$733,688)	(\$567,884)	\$250,000	(\$4,090,000)	(\$5,375,080)
Less estimated income	(51,045)	(95,379)	(73,497)	0	(531,700)	(751,621)
General fund	(\$182,463)	(\$638,309)	(\$494,387)	\$250,000	(\$3,558,300)	(\$4,623,459)
FTE	0.00	(3.00)	(3.00)	0.00	0.00	(6.00)

¹ Funding for state fleet mileage is reduced to reflect an estimated mileage rate of 58 cents per mile for Highway Patrol vehicles rather than 61 cents per mile.

² Three new FTE motor carrier positions and related operating expenses included in the executive budget are removed.

³ This amendment removes three FTE trooper positions that were removed in the agency base budget request and restored in the executive recommendation.

⁴ One-time funding of \$250,000 for weigh station repairs is added.

⁵ Funding for a Law Enforcement Training Academy shooting range and emergency vehicle operations course is removed.

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1011

Page 1, replace lines 10 through 16 with:

"Administration	\$2,926,419	\$235,883	\$3,162,302
Field operations	37,198,354	4,821,472	42,019,826
Law enforcement training academy	<u>1,496,942</u>	<u>2,096,727</u>	<u>3,593,669</u>
Total all funds	\$41,621,715	\$7,154,082	\$48,775,797
Less estimated income	<u>10,893,730</u>	<u>984,719</u>	<u>11,878,449</u>
Total general fund	\$30,727,985	\$6,169,363	\$36,897,348
Full-time equivalent positions	194.00	3.00	197.00"

Page 2, after line 1, insert:

"Emergency vehicle operations course 0 1,990,002"

Page 2, replace lines 3 through 5 with:

"Total all funds	\$280,000	\$3,477,002
Total special funds	<u>0</u>	<u>419,700</u>
Total general fund	\$280,000	\$3,057,302"

Page 2, line 11, replace "\$4,849,220" with "\$5,378,886"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

House Bill No. 1011 - Highway Patrol - Senate Action

	Executive Budget	House Version	Senate Changes	Senate Version
Administration	\$3,159,842	\$3,157,382	\$4,920	\$3,162,302
Field operations	41,539,957	40,258,516	1,761,310	42,019,826
Law Enforcement Training Academy	5,692,488	1,601,309	1,992,360	3,593,669
Total all funds	\$50,392,287	\$45,017,207	\$3,758,590	\$48,775,797
Less estimated income	<u>12,100,404</u>	<u>11,348,783</u>	<u>529,666</u>	<u>11,878,449</u>
General fund	\$38,291,883	\$33,668,424	\$3,228,924	\$36,897,348
FTE	197.00	191.00	6.00	197.00

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

	Adjusts Funding for State Fleet Mileage Rates ¹	Restores New Motor Carrier Positions ²	Restores Trooper Positions ³	Restores Funding for Emergency Vehicle Operations Course ⁴	Total Senate Changes
Administration	\$4,920				\$4,920
Field operations	459,738	733,688	567,884		1,761,310
Law Enforcement Training Academy	2,358			1,990,002	1,992,360
Total all funds	\$467,016	\$733,688	\$567,884	\$1,990,002	\$3,758,590
Less estimated income	102,090	95,379	73,497	258,700	529,666
General fund	\$364,926	\$638,309	\$494,387	\$1,731,302	\$3,228,924
FTE	0.00	3.00	3.00	0.00	6.00

¹ Funding for State Fleet Services mileage is increased to reflect an estimated mileage rate of 64 cents per mile for Highway Patrol vehicles. The executive recommendation provided funding for an estimated mileage rate of 61 cents per mile, and the House reduced funding to reflect an estimated mileage rate of 58 cents per mile.

² Three new FTE motor carrier positions and related funding removed by the House are restored.

³ Three FTE trooper positions and related funding removed by the House are restored. The positions were removed in the agency budget request and restored in the executive recommendation.

⁴ Funding is restored for an emergency vehicle operations course removed by the House. The executive recommendation included funding for an emergency vehicle operations course and indoor shooting range which were removed by the House.

This amendment also adjusts Section 2 to provide that funding for the emergency vehicle operations course is one-time funding.