

2009 SENATE APPROPRIATIONS

SB 2011

## 2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. SB 2011

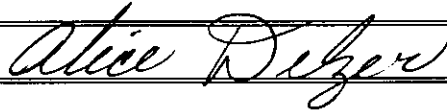
Senate Appropriations Committee

☐ Check here for Conference Committee

Hearing Date: 01-19-2009

Recorder Job Number: 7239

Committee Clerk Signature



Minutes:

V. Chair Bowman called the committee hearing to order at 2:00 pm in reference to SB 2011 in regards to the Highway Patrol. All committee members were present except Chairman Holmberg, V. Chair Grindberg, Senator Warner, and Senator Krauter were excused as they were in Washington D.C. for the inauguration. .

**Mark Nelson, Superintendent of North Dakota Highway Patrol (NDHP):** testified in favor of SB 2011 and provided written testimony # 1 and had a power point presentation of the budget for the NDHP. He introduced some of the staff that were present. The video shows the forward looking infra-red system (FLIR) system and the quality of our in-car digital camera technology video system. ( 12.38) Mr. Nelson gave thanks for the funds for these.

**Senator Seymour:** What is your turnover rate?

**Mark Nelson** We have lost troopers, our training program is pretty intensive training program and I will talk about that more in my testimony.

**V. Chair Bowman :** Are the most incidents alcohol and drug related and that is where the violence comes from?

**Mark Nelson:** Yes. Further written testimony was read.(41.65).

**V. Chair Bowman:** question concerning the dollar amount equity plan requested and is it in the Governor's budget? He was told yes. Who makes the salary adjustments based on that?

And then once that is implemented that becomes the base so it has to be sustainable. How long does it take before there's another increase in equity? Where does things ever stop?

**Mark Nelson** we would actually put together a proposal. This will be the third session in a row we've addressed these issues. You will continue to see this. At one time we were the highest paid but not so now. (43.27)

**V. Chair Bowman** This is constantly driven by the way the system works. Where does things ever stop, where you are given a decent salary, benefit package that you want. Everyone else should have the same dealing in law enforcement so you don't have this constant back and forth. It would eliminate problems in help because you know exactly what you are going to get.

**Mark Nelson** in law enforcement the resources are pretty small. Overall we've been treated very well by Legislature. We are in this competitive nature and until something does occur it is vital that I draw the best people to NDHP.

**Senator Wardner** Had questions concerning language to be provided for equity pay. Is it specified to one area?

**Mark Nelson** the equity pay is put in field operations program. Once done we can't go into the other programs for pay raises. (45.38) I would have to have it in all three programs.

**Senator Wardner** when you talk about other funds, where do they come from the Highway distribution funds. He was told where the funds come from and the amounts. on those positions the department Fargo was asking for 24 hour patrol, what is the situation there? I would think that would be more important than capital security.

**Mark Nelson** we do have effective program, not provided 24 hour coverage, but we feel it is appropriate at this time. We did not ask for additional funding for that this time.

**Senator Robinson** It's been a pleasure serving with you, you referenced to get tough on DUI and those type of violations, it is still growing. Could you get me those stats, if there is anything

else we've identified in the area of education, prevention, intervention that might impact that because the penalty hasn't done what we thought it might do. (48.26)

**Mark Nelson** we have had a significant increase from 2002 to 2008 in DUI arrests, we are dealing with DUI drivers on a daily basis. Enforcement unfortunately is not the sole answer. Obviously there has to be fear of arrest in order to get people to comply with the law. I'm not an expert on treatment (alive at 25) that is an effort that needs to be continued both in enforcement and educational.

**V. Chair Bowman:** There was a town that offered free taxi cab fares to anyone who has been drinking so they wouldn't get into trouble when they drive home. Does that add to more drinking.

**Mark Nelson** I don't have answer. My personal opinion, if there is an alternative means, we don't want them on the road. If they offer an alternative method, it is a plus, are we promoting drinking, I don't know.

**V. Chair Bowman.** They interviewed the guy that owns the taxi cab company and he'll do it anytime to keep people off the streets. Sounds like it has some merit.

**Senator Fischer** my son lives in Scottsdale they always take a cab to the bar.

**Mark Nelson** , I think if some is responsible. If it saves a life, it is a plus.

**Senator Seymour** how does your retirement system look?

**Mark Nelson** yes, we've had a couple of meetings and it appears to be a 24% hit

**V. Chair Bowman** closed hearing on SB 2011. You have a top shelf organization. Very professional.

**Senator Fischer** The Department in Fargo takes phone calls and answer questions in Fargo on a talk show, very professionally done. You are educating a lot of people and I commend

your organization for that effort. He was told t by Mark Nelson that the lines are lit up two hours.

**V. Chair Bowman** there will be a subcommittee appointed. Will someone be available when they do that and he was told yes.

## 2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. SB 2011

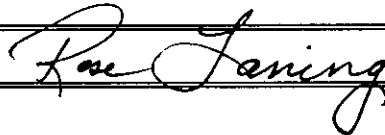
Senate Appropriations Committee

☐ Check here for Conference Committee

Hearing Date: February 9, 2009

Recorder Job Number: 9037 (starting at 25:35)

Committee Clerk Signature



Minutes:

**Chairman Holmberg** called the committee hearing to order on SB 2011 concerning the state highway patrol.

**Senator Wardner** – The subcommittee made no recommendation for changes. They have 193 FTEs and are asking for 3 new FTEs to make it 196. Two of them are capital security positions.

**Chairman Holmberg** said when talking about security, the green sheet says they are providing onetime funding for capital security upgrades.

One of biggest problems is retention because we do not compete with wages. The increase in budget is about \$4 M to general fund - \$ 4.2 M comes out of the Highway Tax Distribution Fund over to the Highway Patrol. Per Diem has also been increased from \$170/month to \$220/month.

**Senator Christmann** asked if each of the capital security officers need a car setting around here each day. This would actually be a great place for used cars when they're replaced.

**Senator Krebsbach** replied that she thought they have cross duties and need to be called elsewhere.

**Senator Wardner moved Do Pass on SB 2011.**

**Senator Warner seconded.**

**A Roll Call vote was taken. Yea: 13 Nay: 0 Absent: 1**

**Senator Wardner will carry the bill on the floor.**

Date: 2-2-09  
Roll Call Vote #:

2009 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 2011

Senate \_\_\_\_\_ Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken ☒ Do Pass ☐ Do Not Pass ☐ Amended

Motion Made By Sen. Wardner Seconded By Sen. Warner

Representatives	Yes	No	Representatives	Yes	No
Senator Fischer	<input checked="" type="checkbox"/>		Senator Warner	<input checked="" type="checkbox"/>	
Senator Christmann	<input checked="" type="checkbox"/>		Senator Robinson	<input checked="" type="checkbox"/>	
Senator Krebsbach	<input checked="" type="checkbox"/>		Senator Krauter	<input checked="" type="checkbox"/>	
Senator Bowman	<input checked="" type="checkbox"/>		Senator Lindaas	<input checked="" type="checkbox"/>	
Senator Kilzer	<input checked="" type="checkbox"/>		Senator Mathern	<input checked="" type="checkbox"/>	
Senator Grindberg	<input checked="" type="checkbox"/>		Senator Seymour	<input checked="" type="checkbox"/>	
Senator Wardner	<input checked="" type="checkbox"/>				
Chairman Holmberg	<input checked="" type="checkbox"/>				

Total Yes 13 No 0

Absent 1

Floor Assignment Sen. Wardner

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



**REPORT OF STANDING COMMITTEE (410)**  
February 9, 2009 5:11 p.m.

**Module No: SR-25-2208**  
**Carrier: Wardner**  
**Insert LC: . Title: .**

**REPORT OF STANDING COMMITTEE**

**SB 2011: Appropriations Committee (Sen. Holmberg, Chairman) recommends DO PASS**  
(13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2011 was placed on the  
Eleventh order on the calendar.

2009 HOUSE APPROPRIATIONS

SB 2011

## 2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. 2011

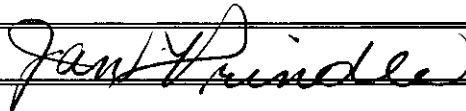
House Appropriations Committee  
Government Operations Division

☐ Check here for Conference Committee

Hearing Date: **2/26/09**

Recorder Job Number: 9762

Committee Clerk Signature



Minutes:

**Chairman Delzer opened the hearing on Senate Bill 2011.** Roll was taken at a previous hearing.

Attached Testimony

2008-2012 Multi-year Plan- Attachment 2011.2.26.09A

Testimony of Mark Nelson- Attachment 2011.2.26.09B

**Mark Nelson, Superintendant of the North Dakota Highway Patrol** introduced the staff that attended the hearing. He then continued with his written testimony.

**Representative Meyer:** Do all of the counties currently use the FLIR system?

**Mark Nelson,** Superintendant of HP: The only agency that has the system is the Highway Patrol. It is attached to the side of the aircraft.

**Mr. Nelson** showed a slide show using the FLIR system.

**Representative Kempenich:** So this is mounted on a plane?

**Mark Nelson,** Superintendant of HP: That is correct. It is mounted on the side of the plane and it rotates 360 degrees on the bottom of the aircraft. This also has a laser beam to use at

nighttime. If you locate a missing person or a suspect you can actually lock the beam to the individual and our ground units have night vision goggles that were supplied by the border patrol and get directed to the individual. It is truly a nice thing to have especially given the winters we have the potential for stranded motorists.

**Representative Meyer:** Using this application, how do you get to the people on the ground that need it like a crime scene for example?

**Mark Nelson,** Superintendant of HP: If there is a major even going on in within the state we will be notified by the local jurisdiction requesting our aircraft to come in and assist with the search potentially let's say a missing person. We have radio communications between the aircraft and ground units in the area. The ground units are actually directed by radio to go to the area where they suspect they located the person.

**Representative Meyer:** You don't digitally download this to any other application.

**Mark Nelson,** Superintendant of HP: We do not have that capability of that time. It is a potential that you could do that.

**Vice Chairman Thoreson:** How is the sound done? Is the microphone on the officer or is it on the unit?

**Mark Nelson,** Superintendant of HP: Most of the officers wear a wireless microphone on their ties or on their jackets.

After the video was complete, **Mr. Nelson** continued with his testimony with the overview of the Highway Patrol.

**Chairman Delzer:** Can you tell us how much your rate to the motor pool has gone up since the last biennium.

**Mark Nelson,** Superintendant of HP: In 07-09 the motor pool rate was \$.64 per mile. The projection for this biennium is \$.70 per mile. That includes fuel and depreciation.

**Mr. Nelson** continued his testimony on page four.

**Chairman Delzer:** Are your number of miles the same from last biennium?

**Mark Nelson,** Superintendant of HP: Yes. We budget for 2500 and we averaged 2450 per month, per officer this past biennium.

**Chairman Delzer:** What is the other IT infrastructure?

**Mark Nelson,** Superintendant of HP: We can get you that list.

**Mr. Nelson** continued on page five.

**Chairman Delzer:** Are permits your source of estimated income in the bill?

The \$10 million in the bill where does that come from?

**Mark Nelson,** Superintendant of HP: We will get that information for you.

**Mr. Nelson** continued testimony on page seven.

**Representative Berg:** I would like to talk about the permit process. South Dakota has a very quick turnaround and we are at about three days. My understanding is that part of it was just logging in to a database. What do we need to do to streamline that permitting process so we could be one of the quickest turnarounds in the region?

**Mark Nelson,** Superintendant of HP: They do have an automated system in SD but it is a significant cost to purchase it. It does streamline the process. Perhaps we can get that cost to you.

**Representative Berg:** What are the checks that you go through when issuing a permit?

**Mark Nelson,** Superintendant of HP: It does depend on the permit type. Depending on the weight of the vehicle, you may have to have an engineering analysis to make sure that the bridge structures and roadways can support the load that is being transferred. Other permits can be done in a matter of minutes depending on the type.

**Representative Berg:** My thinking was would it be possible to work with South Dakota and use their database, add some of our components to that database and develop a cooperative use of that database rather than replicate it.

**Mark Nelson,** Superintendant of HP: We have not looked at that. I'm not sure how they could develop the program. SD allows different weights than ND and all the permit costs and fees are not the same. I'm not sure that is something that could be done.

**Representative Kempenich:** Are you talking about the tele-permits where you can get on an 800 number to call in to. That's what SD has. You can get a permit at truck stops along the line.

**Representative Berg:** My perspective we ought to know what we can do to have that rapid response. The people that are hauling the overweight items on our roads are part of our commerce. It is holding up someone along the line—the difference between 3 days and 6 hours. We don't have something that is a lower restriction, but if there is a way we can streamline this whole system, it may be less expensive for the state to get the right technology rather than just add more people.

**Mark Nelson,** Superintendant of HP: Just so I clarify. Our troopers have the ability to issue permits out on the road and a lot of the basic permits are issued at roadside by our troopers.

The permit section issues permits that can't be issued by our troopers because of the analysis

that needs to be done on the size and weight. The increase we have seen coming through the DOT office has been substantial.

**Representative Berg:** So the permits that I am talking about are issued by the DOT not the Highway Patrol.

**Mark Nelson,** Superintendant of HP: It is truly a cooperative effort. While the permit staff is under my agency, DOT has the engineers. We work with them. When we get the request for a permit we forward that to DOT engineering section and they come back to us as far as whether it is an approval or not.

**Representative Meyer:** How then are the permits issued on the county level? Is that the same thing because they are issued at the county courthouse?

**Mark Nelson,** Superintendant of HP: We have nothing to do with the county permits. We deal with state and federal highways, not local roads.

**Representative Meyer:** So you need two permits? Do I need the county and the state permit?

**Mark Nelson,** Superintendant of HP: Yes. That would be the case if you were going to travel on both highways.

**Mr. Nelson** continued his testimony on page seven.

**Chairman Delzer:** How many civilians and how many sworn in officers do you have at the capitol complex?

**Mark Nelson,** Superintendant of HP: We have seven civilian type and no permanent officers assigned to the state capitol. During the legislative session we have taken a trooper off the road and he is currently working here.

**Chairman Delzer:** During work hours is there always someone available in the Highway Patrol Office?

**Mark Nelson,** Superintendant of HP: On a typical day one of our staff members—myself or someone else who has the ability to respond if a major incident occurred.

**Chairman Delzer:** Currently that is what they do. They call you guys. What do they do if it is after hours?

**Mark Nelson,** Superintendant of HP: The majority of incidents do occur during regular business hours. As I go through this I will explain how we do the afterhours calls for service.

**Mr. Nelson** continued his testimony on page eight.

**Chairman Delzer:** Brady is that \$525,000 included in the overall equity package or is that above the equity package?

**Brady Larson,** Legislative Council: That is included in the overall equity package that the Governor presented.

**Mr. Nelson** continued his testimony with the Weigh/Inspection Station Facility Maintenance.

**Chairman Delzer:** How many of them have signs that are easy to see when they are closed?

**Mark Nelson,** Superintendant of HP: We have electronic signs at all locations with the exception of Bowman and those are on order.

**Chairman Delzer:** Are they all inside the building or are they where you can see them?

**Mark Nelson,** Superintendant of HP: They are on the sign.



**Chairman Delzer:** What I'm talking about is when it is closed can they come in and see what their weights are if or not they are legal.

**Mark Nelson,** Superintendant of HP: We do have that capability at all our stations.

**Chairman Delzer:** So it is just in the window.

**Mark Nelson,** Superintendant of HP: That is correct.

**Mr. Nelson** continued his testimony with the Per Diem Increase.

**Chairman Delzer:** What dollar figures did you use both for the meals and dry cleaning?

**Mark Nelson,** Superintendant of HP: We looked at the state rates established in 2005. My troopers receive \$170 on voucher. We don't have to produce receipts for dry cleaning or meals. That is included monthly and what we are trying to do here is offset the increases we have seen with the meals and with the uniform costs.

**Chairman Delzer:** You are figuring two dry cleanings a week. How many meals?

**Mark Nelson,** Superintendant of HP: We really promote that when they are working, meals be taken at a restaurant. We don't want our troopers to go home.

**Chairman Delzer:** I just want to know how you came up with the dollar figure.

**Mark Nelson,** Superintendant of HP: On average we have a meal per day.

**Representative Glassheim:** In a typical month, how many days are they working.

**Mark Nelson,** Superintendant of HP: We are on a twenty-eight day schedule. We work 20 of those days.

**Representative Glassheim:** So they would likely be eating out 20 or 21 days per month?

**Mark Nelson,** Superintendant of HP: That would be my estimate.

**Representative Glassheim:** So if you go to \$220, you would be talking \$11 per day.

**Mr. Nelson** continued with his conclusion.

**Chairman Delzer:** When we get back together again we are going to need an organizational chart with all of the vacant FTEs on it. We are going to want a list of what all you plan to do with the \$80.0 for capitol security and the \$100.0 on the weigh stations.

**Representative Meyer:** If you would please clarify the permit process. Do they have to get two permits or can the county issue the permit for the state and county roads?

**Mark Nelson**, Superintendant of HP: The County cannot issue the state permit. Likewise the state cannot issue permits for county roads. They would have to work with both entities.

**Representative Kempenich:** Has there been any identification of any stimulus money.

**Mark Nelson**, Superintendant of HP: There are dollars in the stimulus package for example for the Cops Ahead Program. There are dollars that are designated. We are still looking through it.

**Representative Kempenich:** That's pretty fluid. I was wondering if you had something you were identifying or for which you had initiatives. A lot of that is for starting programs but you have to be careful where you are going with it. The (? Name of Program) program hasn't dried up yet, has it?

**Mark Nelson**, Superintendant of HP: We still have our full (? Name of Program) funding. We did get through the real end protection bill recently passed and is being signed by the Governor. From today on we will be eligible for that funding again. We have actually been running off the savings we had.

**Chairman Delzer:** Joe do you have a list of the OARs that were granted?

**Joe Morrisette**, OMB: We can provide that for you.

**Chairman Delzer:** When you look at the last sheet it looks like the request was actually down \$1.5 million and yet the recommendation was up \$3.5 million from last time. We are going to need that explained to us.

**Joe Morrisette, OMB:** Sure. That reflects only the base budget request. I'll put that list together.

**Representative Glassheim:** Do you have any data on the percentage of permits that are issued by central office versus the permits issued in the field as well as an average waiting times for all permits? That might be useful.

**Mark Nelson, Superintendent of HP:** We can actually break down what's being issued by permit sections versus what is being issued by our troopers. We did a study when we had issues in 2008 of people being on the phone system for upwards of an hour before we could get to them to try to issue the permit. We don't do it on a regular basis, but we will check and see if that is available.

**Chairman Delzer:** Section three of your bill has a deferred maintenance transfer to transfer from the deferred maintenance line to other lines. I don't see why that is part of the bill. You only have \$100.0 in the deferred maintenance line.

**Joe Morrisette, OMB:** We drafted all of the bills that had deferred maintenance that way to allow agencies some flexibility so that if they had an emergency that would require them to spend money that they had budgeted for deferred maintenance for a regular repair of some kind, they could transfer that money back to one of their program lines to spend it. That way the deferred maintenance line would be kept only for those items that were actually deferred maintenance.

**Chairman Delzer:** That deferred maintenance line is a new line isn't it? Currently all they would have to do is go to the emergency commission and do that. Brady I would like a list of all of the bills that have that in them.

**Brady Larson, Legislative Council:** OK

**Chairman Delzer:** In Section 4 of the bill—has anything changed in any of the bills that would have an effect on this?

**Brady Larson, Legislative Council:** The bills that are impacting the highway tax distribution fund will not impact the amount that goes to the Highway Patrol. It will just impact actual distributions to political subdivisions in the state.

**Chairman Delzer:** Is this the same amount that it was last biennium?

**Brady Larson, Legislative Council:** I believe it was a little less last biennium. I can get that for you.

**Joe Morrisette, OMB:** In the current biennium it is about \$4.2 million and it was \$4.55 last biennium.

**Chairman Delzer:** Is there a formula for that?

**Joe Morrisette, OMB:** It is not formula driven. It is based on their request and the recommendation.

**Representative Berg:** I guess if we are asking for information I would like a timeline of how we have been transitioning from the fuels fund to the GF for the funding of the Highway Patrol. That's been a big effort by the Legislature to free up those dollars that flow back. I'd like to see how that has been increasing.

**Mark Nelson, Superintendent of HP:** Just so that you are aware, the \$4 million that we appropriate out of special funds, the amount of dollars we bring in on permits is roughly \$8 million that goes back in to the special funds.

**Chairman Delzer:** When we get together we are going to want what you have spent on each line item to date. You said you were expecting a possibility of around \$250.0 in turn back. We want to compare that to what the request is.

**Representative Berg:** I would like to have someone make contact with South Dakota and see if there is a possibility to create a relationship to utilize their software to speed up this heave permitting process.

**Mark Nelson,** Superintendant of HP: We will do that for you and report back.

**Chairman Delzer:** I don't know if you want it just to South Dakota but other surrounding states. If you could have all this information for us next week Thursday or Friday.

**Chairman Delzer closed the overview hearing on Senate Bill 2011.**

## 2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. 2011

House Appropriations Committee  
Government Operations Division

☐ Check here for Conference Committee

Hearing Date: 3/18/09

Recorder Job Number: 11224

Committee Clerk Signature <i>Tonya Voegelé</i>
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Minutes:

Chairman Delzer opened the discussion on Senate Bill 2011.

**Chairman Delzer:** Roxanne, I would like to talk about the adding of the two FTE capital security positions. I don't have a problem with the \$80,000 for moving the control panels off campus.

**Vice Chairman Thoreson:** I think that should probably be moved off site for security purposes. As for the two employees for capital security I guess for discussion I would like to see an amendment to remove that.

**Chairman Delzer:** Then number six the officer per diem, I don't know that we want to go up quite that much at one time. Unless there is some different change to the salaries, the salaries are going up five and five and I am not sure that at the same time we need to go up almost 40% of their per diem at the same time.

**Vice Chairman Thoreson:** What about number four? It is the FTE for the permit technician. Representative Berg, you were talking to somebody about the permitting. Was it the Highway Patrol?

**Representative Berg:** Yes. Do you want me to recap that? The whole deal is that they have 100,000 or more heavy haul permits that they run. Some of these permits it takes like they said three days to get. South Dakota has got a system that is run off of the internet so people can get their permit within an hour. My concern was as all of this stuff is being moved in North Dakota if we can streamline that and shorten that time period. This morning I met with Highway Patrol, DOT, AGC and someone from the Motor Carriers to walk through what their process is and I am expecting to have something that maybe helps them shorten that time frame.

**Chairman Delzer:** Any idea when that will be ready for you?

**Representative Berg:** No.

**Representative Meyer:** Did they look at the South Dakota system to see what they can use?

**Representative Berg:** The bottom line is that South Dakota has web based system that has all of the bridges and the roads in there and updates so someone can just type in their stuff and it spits out the route that they can use for heavy hauls. It is about a \$2million system. So it is a \$2million system and there is about \$200,000/year that it would cost to sustain it. I don't honestly think they spend a lot of time checking into that. I think they just called the vendor and the vendor gave them a number. When we were sitting in the meeting this morning, like I say they have well over 100,000 heavy haul permits a year and so I said well if you charged \$10 more a permit, in two years you would have raised \$2million. So I said to the guy representing the Motor Carriers, would you be willing to fund that and they said absolutely. Our fees are \$75 every other state around here is \$150, if we can get that kind of response. The problem is that I just found out that a lot of those fees are in the Century Code. My thought was to allow them to go to administrative rules where the industry can be there as well to ensure that if they are going to have a kicker in the fee to cover this that the industry is supporting it and would pay for that cost. I don't know where it would come out at but the Colonel was supposed get back

to me this afternoon yet and say what he would propose to do. I would craft an amendment based on his response.

**Chairman Delzer:** Wasn't there some discussion, when you look at the bill it is still a \$5million increase over last biennium.

**Representative Kempenich:** I was looking and it wasn't Patrol particular but the State Fleet costs. 20% will take them to just about where they were last biennium on travel.

**Chairman Delzer:** We have not done 2012 yet and we will not get to that today. One of the issues in 2012 was how they built fleet services. The fact that they built it I think on \$4.75 gas and \$5.25 diesel and pretty high inflation prices and stuff. One of the issues we are looking at is a blanket amendment that would affect all agencies for a 20% reduction in their travel line.

**Representative Kempenich:** 20% would take it to about \$15million. When we look at the budgets that went up, most of these agencies had started early on in their budgeting process had just about a flat travel increase and these later ones and the bigger ones on it were huge. That is where the premise on that would pretty much take them back to last biennium's budget. I have not seen any of the agencies that have asked for Emergency Commission money or anything for the travel budget.

**Representative Dosch:** According to my notes they are also going to have \$250,000 turnback as a result of mileage that they are not using. Their current budget for 11-13 was based on \$.70/mile. It is currently at \$.59. I think you could easily take that 20% reduction and they will still be alright.

**Chairman Delzer:** That is there cost.

**Representative Dosch:** I think you could easily take that 20% reduction and they will still be alright.

**Chairman Delzer:** What about the number of FTEs?



**Representative Meyer:** How many capitol security positions do we have currently?

**Chairman Delzer:** It seems to me if I remember there was three or five. What they wanted to do is add actually one uniformed officer on duty all of the time and two more of the civilian I believe is what it was.

**Representative Kempenich:** I don't think they have one here right now that are full time.

**Chairman Delzer:** They brought one in during the session but they wanted to add one full time like that. The problem to me of giving them this is they are right down the hall. There is a Highway Patrol officer right down the hall all of the time. So what would be the value of putting another one sitting right here in the capitol during the day. Now wasn't there an issue of getting in on the budget or something they reduced nine FTEs and then added them back.

**Vice Chairman Thoreson:** That is correct. When building their budget they did so by taking out nine FTEs and then the Senate put them back in.

**Chairman Delzer:** Were they vacant? The Senate did not put them back.

**Vice Chairman Thoreson:** No I'm sorry the Senate didn't put them back.

**Chairman Delzer:** Tammy, what happened there? You guys, to come in on the hold even or whatever they removed nine FTEs and then you gave them four or five of them back plus these new ones that they wanted. The number is actually going up three.

**Tammy Dolan, OMB:** I believe what you stated is correct. However this is not my budget. I am trying to reach Joe Morrisette. I would not want to give you incorrect information. I believe that is how it went.

**Representative Dosch:** That is correct.

**Tammy Dolan, OMB:** I know that they submitted their budget at a lower number of FTEs and we added some of those back in. There are some new positions but I don't have all of the specifics.

**Chairman Delzer:** Were they vacant?

**Representative Dosch:** No.

**Chairman Delzer:** Oh so they threw them off the eighteenth floor.

**Representative Dosch:** Something like that. They needed to balance out their budget out of their operating or whatever so they reduced the FTEs in order to get it to balance out and so they are asking to refund those but they were filled positions. On your green sheet the three increases, which are strictly because of the two additional capitol guards that they wanted and the technician position.

**Chairman Delzer:** Are number three both Highway Patrol personnel?

**Representative Dosch:** Troopers.

**Chairman Delzer:** We have those listed to have a discussion about. Roxanne, I would like to have a discussion about two other positions. I also think we should have a discussion about the \$170 on the per diem. I think we should maybe talk about raising that up to \$200 instead of \$220.

**Representative Meyer:** That was for laundry?

**Chairman Delzer:** Laundry and meals I think is what they said. Representative Berg did you want to have a discussion about the FTE permit position or were you just talking about doing the other?

**Vice Chairman Thoreson:** Can we go back to those nine? I did find the handout that we were provided and it was their first thing that they did as an adjustment. It was for a total of about \$1.5million and then put them right back in as their first priority but I recall that when Mr. Nelson was here he did state that those were not vacant positions. We asked him, what would you do if we were to take those nine since you were the ones that recommended it and he said he would guess that he would have to find a way to fund them. Part of it would be through if a

trooper would retire they would not fill the spots at the academy. I guess I feel that it is not quite the right way to do budgeting too. Remove people and then come back and say that we need them. We saw this last session. The Public Service Commission did the same with one position and we chose not to put that position back in. That is something that we need to consider when working on this budget.

**Representative Glassheim:** They requested 12 additional trooper positions but they only got two.

**Representative Berg:** That one permitting position I think is critical.

**Chairman Delzer:** OK. Committee members I think I will go on the record here as stating that one of the things that bothers me about our state's Highway Patrol and they are very good people and very diligent about their job sometimes I think they are a little too diligent. I think in some cases they have the idea that they would like to turn it in to a state police force and personally as a Representative I don't think that is what they were ever designed to be. They were designed to be the Highway Patrol. That is just something that I wanted state on the record. I don't have anything that I wanted to do about it other than the fact that I see that as a Representative that sometimes they seem to want to step into places that I don't think the mission or the goal for the state Highway Patrol has ever been.

**Tammy Dolan, OMB:** I did get some information from Joe.

**Chairman Delzer:** Share that with us please.

**Tammy Dolan, OMB:** It was nine that they reduced. They were not vacant positions and we did restore all nine positions. Then they had the new ones that you see on the green sheet. At one point you had asked how many officers we have for security right now. There is one patrol officer for capitol security.

**Chairman Delzer:** How many civilian capitol security officers?

**Tammy Dolan, OMB:** I did not ask him that.

**Chairman Delzer:** Tonya showed me the minutes and it says that they have seven civilian type and no permanent officers assigned to the state capitol is what he said here. Is there anything further at this time on the Highway Patrol? You are listing the removal of the equity money on the list right Roxanne?

**Roxanne Woeste, Legislative Council:** That is correct. If I could just verify one thing, I have remove salary equity, remove the two capitol security positions, consider looking at their per diem, you had mentioned perhaps something else about removing two additional FTE.

**Chairman Delzer:** Yes.

**Roxanne Woeste, Legislative Council:** I will just leave it that generic on the list. You would have to decide on some salary dollars if you would so wish to do that.

**Chairman Delzer:** I would guess it would be the same dollar figure as number three.

**Roxanne Woeste, Legislative Council:** I already have that one on the list I guess I want to make sure, is there an additional two that you wanted besides the number three on the list.

**Chairman Delzer:** Right. Just for discussion.

**Representative Dosch:** Are we going to do anything with their motor pool costs or wait?

**Chairman Delzer:** I think we will wait until we do 2012 and see what happens there because I think that was going to be a blanket amendment that would affect all budgets. Other words if we don't then we defiantly need to adjust the operating costs here.

Chairman Delzer closed the discussion on Senate Bill 2011.

## 2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. 2011

House Appropriations Committee  
Government Operations Division

☐ Check here for Conference Committee

Hearing Date: 3/24/09

Recorder Job Number: 11491

Committee Clerk Signature <i>Tonya Voegelé</i>
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Minutes:

Chairman Delzer opened the discussion of Senate Bill 2011.

**Chairman Delzer:** The issues that I see before us that were asked for was the equity funding, and we can do these as a package or we can do them separate however you want to do it. We have capitol security positions, we have monthly per diem, and we have two undesignated FTE positions because they had taken out nine. Are there any others that we have?

**Representative Kempenich:** I think we need to do something with the travel.

**Chairman Delzer:** Yes.

**Vice Chairman Thoreson:** If we are going to do travel separately maybe we should just vote on these individually and see where they go.

**Chairman Delzer:** That would be fine.

**Vice Chairman Thoreson:** Would you like a motion for each one?

**Chairman Delzer:** Yes.

**Vice Chairman Thoreson:** I would move number one on the list of proposed funding changes to remove the salary equity funding.

**Representative Kempenich:** Second.

**Chairman Delzer:** We have a motion and a second on the equity as being part of our final amendment package. Is there any discussion?

**A motion was made by Vice Chairman Thoreson, seconded by Representative Kempenich to remove the salary equity funding in Senate Bill 2011. Motion carried on a voice vote.**

**Vice Chairman Thoreson:** I would move number two the removal of two FTE capitol security positions.

**Representative Kempenich:** Second.

**Chairman Delzer:** We have a motion and a second. Committee members if memory serves me that is two new positions. I think there was also the movement of the kiosk which is still in. Is there any discussion on number two?

**Representative Kaldor:** Could someone refresh my memory on what the intention was? Were these additional FTEs in the Governor's budget?

**Chairman Delzer:** Yes.

**Representative Kaldor:** So basically what we are doing is holding it the same as it currently is.

**Chairman Delzer:** Actually I think we were allowing them some increase but not as much as they wanted. They had three and we were giving them two.

**Representative Berg:** On the green sheet it says two for \$415,000 capitol security and then the one was the permit technician which we are going to leave.

**Chairman Delzer:** Right. Is there any further discussion on number two?

**Representative Glassheim:** What are we leaving in?

**Representative Berg:** It looks like we are leaving \$180,000 for capitol security upgrades for \$80,000 and weigh station repairs for \$100,000.

**Representative Glassheim:** We left in one new position too?

**Chairman Delzer:** One new position of a permit technician.

**Vice Chairman Thoreson:** These two positions that we would remove if this were to pass is for capitol security. If I recall correctly Mr. Nelson said that they just felt that it was their determination that they needed more people in case they needed to shut down the capitol for whatever reason. I believe by moving the security command post off site and with technology upgrades they should be able to handle it with the personnel they have.

**Chairman Delzer:** I think part of it is that they wanted to have the pistol carriers here all of the time, uniformed Highway Patrol in the building all the time. The fact of the matter is that they are right down the hall.

**A motion was made by Vice Chairman Thoreson, seconded by Representative Kempenich to remove the capitol security positions in Senate Bill 2011. Motion carried on a voice vote.**

**Representative Berg:** I move that we reduce the per diem from \$220 to \$200.

**Vice Chairman Thoreson:** Second.

**Chairman Delzer:** We have a motion and a second for reducing the per diem by \$20/month. Is there any discussion?

**Representative Meyer:** This is for dry cleaning. They need that. They have got to be pressed and starched and look sharp. \$50/month is not much money.

**Chairman Delzer:** It is not \$50/month it is a \$50 increase per month. They are currently getting \$170. This is over and above their wages. Is there any further discussion?

**A motion was made by Representative Berg, seconded by Vice Chairman Thoreson to reduce the per diem from \$220 to \$200 in Senate Bill 2011. Motion carried on a voice vote.**

**Chairman Delzer:** OK then we have the removal of two undesignated FTEs.

**Vice Chairman Thoreson:** I will move that. Frankly I don't like the way they did the budgeting by putting nine in there. It would almost be my intention to reduce them more but I will move two at this time.

**Representative Berg:** Where did you see the nine?

**Vice Chairman Thoreson:** When we had the meeting with them, it may not be on the green sheet but if you give me a moment, they put together a sheet. I am not certain if it was distributed to the entire committee.

**Chairman Delzer:** I don't think it was.

**Representative Berg:** So they had some that they weren't funding before?

**Vice Chairman Thoreson:** It was unfunded.

**Chairman Delzer:** They unfunded them to go to the Governor and then the Governor put them back in.

**Vice Chairman Thoreson:** They distributed this sheet and they showed their optional requests. What they did to make their budget numbers work was they through nine people off the eighteenth floor as far as I am concerned and then came right back and asked for the nine back. I just don't know that that is the way to do it. We had the same situation last session with



the PSC where they had a tech position. We did not give them that person back and we were at that time blamed for taking a person away but it was something which they had done in their budget. We asked at the time what happens if you don't get the nine. They said well we would just have to make it work without it. They would probably do it through retirements and other things just not putting people through the academy. I guess I feel that if you are going to do this responsibly you don't do it by first chopping people then coming back and saying we need you really bad.

**Chairman Delzer:** Any further discussion?

**Representative Glassheim:** I am not sure why we are blaming them. The Governor gave them a dollar goal to shoot for. They could not make that dollar goal without taking nine positions out. Isn't that what happened?

**Chairman Delzer:** That is how they achieved the dollar goal. The question is whether or not you feel that that is the only way they could have achieved it. That is the difference. Was there room in operating or other things? That is the question.

**Representative Glassheim:** If there were other things then I suppose your subcommittee should have found them out and instead of taking the two positions away they should have adjusted the other things that you think might be there if there are other things there. They did not request nine less positions. They were forced to request nine less positions.

**Vice Chairman Thoreson:** I guess you could look at it either way but in actuality they did request nine less positions and then they came back with an optional request and asked for nine positions back along with the two permit techs originally and we are giving them one. They also asked for an additional twelve trooper positions.

**Chairman Delzer:** Any further discussion?

**A motion was made by Vice Chairman Thoreson, seconded by Representative Berg to remove two undesignated FTE positions in Senate Bill 2011. Motion failed on a voice vote.**

**Chairman Delzer:** Representative Kempenich did you have something that you wanted to do with the travel?

**Representative Kempenich:** They came in and they asked for \$400,000 increase to their budget and then they came back in and asked for another \$400,000 some. The way it is looking is I brought a sheet, I should have brought it down here, but it is in State Fleet magazine INAUDIBLE

**Chairman Delzer:** If I remember right not only was the fuel different but I think the price on the cars is different too. I would say that it is an \$800,000 increase. What is the total amount in the budget there?

**Representative Kempenich:** \$5.594million.

**Chairman Delzer:** And it is an \$800,000 increase? When you made the discussion with transportation the 20% was normally putting it back basically same as last time?

**Representative Kempenich:** It would have to be a 17.7%. 20% cuts them a little close but 15% would work.

**Chairman Delzer:** What would 15% be?

**Representative Kempenich:** I am guessing you would leave them \$140,000 probably.

**Chairman Delzer:** Why don't we do \$600,000?

**Representative Kempenich:** Most of the early budgets were built with very little travel increases. The later budgets and bigger budgets is where you see the big increase.

**Chairman Delzer:** That is when they were told the higher numbers. Do you have a motion?

**Representative Kempenich:** I move we take \$600,000 out of operating.

**Vice Chairman Thoreson:** Second.

**Chairman Delzer:** Any discussion?

**A motion was made by Vice Chairman Thoreson, seconded by Representative Kempenich to remove \$600,000 from the operating funding in Senate Bill 2011. Motion carried on a voice vote.**

**Chairman Delzer:** Is there anything further on Highway Patrol?

Representative Berg presented 98030.0101.

**Representative Berg:** This amendment is actually a project I have been working on for about six months. It actually paid off. Last summer I got a call from a guy that is in the heavy haul business. He said it was taking him three days to get a permit and with all of the work in the oil industry and other places I saw this as a real barrier to our commerce. The analogy that struck me is South Dakota has a permitting that is really web based and literally automatic. So a person could get a permit within a few hours in South Dakota where here it was taking several days. So fast forward through a number of different meetings and even last week we met with DOT, the Highway Patrol, Motor Carriers Association and AGC and I will just walk through it real briefly. What happens right now is if you are hauling over 200,000 pounds you get a hold of the Highway Department the Highway Department would then send your request to DOT. DOT they would go out into each district and ask those district people if those roads were capable and then they would go to engineering and the bridge people would determine

whether or not the bridges that that person is going to follow would be appropriate. There is a gal that is with DOT, Lee Ann; she is in charge of the program. What happens is, they are ok if they get the same workflow all of the time but sometimes they will get 85-100 permits on a Friday. It makes it very difficult. They are doing like 100,000 permits per year. I kind of pressed them to get us up to the level of South Dakota and there are two sides to every issue. When the Highway Patrol sat down and worked through this with me I think 80% of them are probably getting their permit in less than five hours. So it is not like everyone is waiting three days. It is just that when there is a big push it is done by human power. They came back and said South Dakota's program is going to cost \$2million plus several hundred thousand a year and we just can't do it. We had this meeting and the Motor Carriers and a guy that is going to be the President of Motor Carriers was there and his business is heavy hauling and the question was asked with 100,000 permits would you be able to pay \$10 more a permit. They all said absolutely. That would be a \$1million to get something like this going. I think when the Highway Patrol and DOT realized they were serious about it, the Colonel went back and looked and they have this program that is a federally funded program and it is called CVEW. If you look on the last line of these amendments it is Commercial Vehicle Exchange Window System. My understanding is that when push came to shove they just have a few small pieces to complete and they are entitled to this federal money which is really geared to streamline this permitting process. Really all they are requesting, what he said was there was a fellow in Montana that moved Montana into the CVEW, he understands the federal system and they would like a few dollars to contract with that person to get North Dakota on track and get this CVEW up and running. I did not want to put \$100,000 for a consultant or a study so what these amendments do is of course section six says that it is our intent that they proceed with implementation of this CVEW and begin the preparations to allow this automation of highway

permits. The \$100,000 would go into just their operating and so they would do what they needed to do to get this rolling. I have a summary of CVEW, not with me right now but I can kind of give you what the Colonel gave me in kind of the steps of what he would like to do.

**Chairman Delzer:** Before you do that, why the \$100,000? That seems like a pretty good fee if you are talking one person.

**Representative Berg:** I agree. The \$100,000 is what the Colonel thought it would cost for them to bring in someone to get them going and monitoring it. I didn't change that at all.

**Chairman Delzer:** Any other questions for Representative Berg by the committee?

**Representative Meyer:** Do we have to change the IT component of it or does it just plug into our system automatically?

**Representative Berg:** My understanding is when they get this level one designation which they are 90 or 95% of getting there that they will be able to access federal dollars for a lot of this. My question is would there be an increased obligation to the state? My take on it is that it would be way less than the \$2million that we are talking about that would be funded by the feds and I do believe that the people that are buying the permits would be willing to put some money in to get this system automated. The other angle on this would be if they get this level one designation that they are going to get the federal dollars and if it is going to require additional state dollars I think the people buying the permits would be willing to pitch in and do that. My understanding is that their permits are about \$75 and the surrounding states are about \$125.

**Chairman Delzer:** One is I have some concerns with the \$100,000. If we felt we needed to leave the \$100,000 I would rather put that in the budget as a onetime expenditure with language that they had to come back and tell us how they expended it and if they did not expend it, it would roll back to the General Fund.

**Representative Berg:** I don't have a problem with that. My problem is quite frankly is that they will get into this thing and stop and wait until the next session and then come back the next session and say they could not do anything. What I want to do is make that clear that we want them to move quickly on this.

**Chairman Delzer:** That kind of brings me to my next issue is I was thinking that you should have language on your section six that makes them report to the Budget Section every other meeting or something that way on their process.

**Representative Berg:** That is a good idea.

**Chairman Delzer:** That way we can keep on top of it. Are there any other questions or comments on this? Representative Berg, why don't you work with Roxanne on this?

Committee members I suppose if we agree with the essence of this we can have it drafted into the final amendment.

**Representative Berg:** Why don't we have them report every six months to the budget section with an update and how do you want to deal with that \$100,000.

**Chairman Delzer:** I certainly think it needs to be listed as a one time. You can call it one time but that it could only be used for this project and if it is not used for this project that it is rolled back to the General Fund.

**Representative Berg:** What I would do is keep it broad so they do not feel obligated to spend it all on a consultant. I think reporting is a good idea. We are going to know if they are moving forward.

**Chairman Delzer:** I don't think we have a motion to that effect.

**Representative Berg:** So moved.

**Vice Chairman Thoreson:** Second.

**Chairman Delzer:** Any further comments or questions by the committee?

**Representative Meyer:** This CVEW, could it cover all permits?

**Representative Berg:** When we take the whole bill up let me give you that. It is designed for even more rapid if you are under this criterion so I think it is just a scanner where you are good to go. You swing in you scan it and you are good. I just see it as speeding up this whole process.

**Chairman Delzer:** Do you see it as a physical scanner or as a web based situation?

**Representative Berg:** Part of what I understood is that on some of the weigh stations they would have a scanner that someone would just scan through. Then you would keep going. I also think it is a web based deal. To me it is very frustrating because here is something that is really being done by humans which could be done more efficiently with some of the technology and things that we are doing.

**Chairman Delzer:** The only thing that scares me about this and on the permitting side I agree that it would be a good deal. In the past, in Canada if you needed permits you would just call a phone number and give them the information. I don't know that that would work with the heavy haul. One of the issues that the feds had been pushing for a long time is transponders in the trucks so that they can tell where everybody is at, when they are at and quite frankly I have some real problems with that. I don't know whether this is part of that issue or not. I guess from what you have told us it necessarily is not but I would appreciate it if you would visit with the Colonel to ask him that before we take the whole bill up.

**Representative Berg:** I just noticed this now but I got a list of all of the permit fees and at the top of this fee schedule it has Governor Ed Schafer and Colonel Jim Hughes 1997. Again I am not one to want to increase fees but if there is some money that this project directly impacts those people.

**Chairman Delzer:** I do have to say that a lot of these that you are talking about, these 200,000 pound, that is a heck of a load. I would imagine the wind towers; they are probably at that kind of weight. Some of the oil field stuff but not a whole lot of it.

**A motion was made by Representative Berg, seconded by Vice Chairman Thoreson to adopt amendment 98030.0101 plus changes to Senate Bill 2011. Motion carried on a voice vote.**

**Chairman Delzer:** Is there anything further on Senate Bill 2011?

Chairman Delzer closed the discussion on Senate Bill 2011.



## 2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. 2011

House Appropriations Committee  
Government Operations Division

☐ Check here for Conference Committee

Hearing Date: 4/1/09

Recorder Job Number: 11632

Committee Clerk Signature *Tonya Voegle*

Minutes:

Chairman Delzer opened the discussion on Senate Bill 2011.

**Chairman Delzer:** We had a list of the proposed amendments but I do not think we took any motions on them. We just asked for them to be put together.

**Tonya Voegle, Clerk:** We took voice votes on them.

**Chairman Delzer:** We did. OK. If we adopted all of them we do not need a motion on these amendments. We just need to make sure that they match what we went through. We have the automated permits on section six, commercial vehicle exchange window in section seven. Then we removed the equity money, the two FTE capitol security positions. We reduced the increase in the officer per diem from \$170 to \$200 instead of up to \$220. We reduced the General Fund operating expense by \$600,000. We added the \$100,000 for the implementation of the commercial vehicle exchange window system. Committee members we did take a voice vote on all of those but since we have them compiled and before us just to be double sure if someone wants to move them we will adopt this particular number.

**Vice Chairman Thoreson:** I will move amendment 0102 to Senate Bill 2011.

**Representative Kempenich:** Second.

**Chairman Delzer:** Is there any discussion?

**A motion was made by Vice Chairman Thoreson, seconded by Representative Kempenich to adopt amendment 98030.0102 to Senate Bill 2011. Motion carried on a voice vote.**

**Vice Chairman Thoreson:** I will move a Do Pass, As Amended.

**Representative Kempenich:** Second.

**Chairman Delzer:** Is there any discussion on Senate Bill 2011.

**A motion was made by Vice Chairman Thoreson, seconded by Representative Kempenich for a Do Pass, As Amended recommendation to the House Appropriations Full Committee for Senate Bill 2011. Motion carried with a vote of 7-0-1. Vice Chairman Thoreson will carry the bill.**

**Chairman Delzer:** Committee members this may be one of the bills that I voted for it here, I may vote for it in committee but I will not bet that I will vote for it on the floor. Just so you understand that.

**Representative Berg:** We understand.

**Chairman Delzer:** The actual reason is that I have some concerns about our overall spending level and I find it hard to support all of the budgets and then get up and try to say that we are spending too much money.

**Representative Meyer:** What is the increase in this budget?

**Chairman Delzer:** Before our adjustments it looks like it was from \$27million to \$32million which would be \$5.2million. We took out \$1.5million so it is going to be about \$3.7million. That is about 12 or 13%.

Chairman Delzer closed the discussion on Senate Bill 2011.

## 2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. 2011

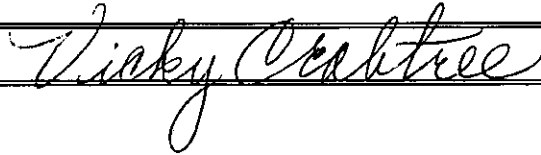
House Appropriations Committee

☐ Check here for Conference Committee

Hearing Date: April 3, 2009

Recorder Job Number: 11714

Committee Clerk Signature



Minutes:

**Chairman Svedjan:** The next bill up is SB 2011 the Highway Patrol. We should each be receiving amendment .0102. Who is carrying this bill?

**Rep. Thoreson:** I am Mr. Chairman. You have amendment .0102 before you and I will

**Move the amendment.**

**Rep. Berg: Second.**

**Rep. Thoreson:** If you go to the second page the statement of purpose. Number 1, we did remove the equity adjustments for this budget in the amount of \$525,000. Item 2, removes funding from the general fund for two new FTEs that were to be used for Capitol security positions. The Highway Patrol had requested this as they felt they needed more uniformed security in the Capitol. Our committee looked at this issue and felt we were ok as is. We are just down the hall and don't know if there is a great demand for that. We did leave an additional \$80,000 in the budget because right now they have a command center just down the hall on this level of the Capitol that is a small room with lots of video monitors and one person watching them. We would like to move that off site; perhaps to their training facility here in Bismarck. We feel for security purposes if there were an incident at the Capitol or on the grounds it would be better to have that located off site. Item 3, reduces the funding of the per diem by \$20 per month. The Highway Patrol had requested additional dollars for per diem

mainly for cleaning of their uniforms. We brought that down from the amount they requested.

Number 4 is a reduction of \$600,000 mainly due to travel. The amount was based on when gas was \$4.00 a gallon last fall, so we removed that. We added an additional \$100,000 for the commercial vehicle information exchange window system also known as CVIEW. If you go to the amendment itself there are two sections of language, Section 6 and 7 which have to do with CVIEW. This actually deals with permitting of overweight vehicles and Rep. Berg brought this forward. If we need more explanation of these sections he could give that explanation. There is an issue with the permitting process for overweight vehicles coming through ND. It is our committee's recommendation that we have this language and have additional money for this to begin this process. Those are the amendments for 2011.

**Voice Vote on amendment: Motion Carried and amendment adopted.**

**Rep. Thoreson: Move a Do Pass as Amended.**

**Rep. Meyer: Second.**

**Rep. Ekstrom:** I serve on the Capitol grounds planning commission and there have been some initial discussions for the last couple of years to put the security office for the Highway Patrol under the steps. We were going to close that drive through. Was there any discussion as to whether that was going to proceed?

**Rep. Thoreson:** I have also served on that committee at one time. That did not come up in our discussion. They came forward with that it will be moved completely off the grounds. They not only watch this building, but they are also responsible for the Heritage Center, Library, Governor's residence and every other building on the Capitol grounds. They were concerned that if there were something to happen in or on this property that they should be off site.

**Rep. Ekstrom:** On the green sheet, item #2 on page 1, the one-time funding for the Capitol security upgrades a \$180,000. Again, as I recall there was some Homeland Security money to harden the Capitol.

**Rep. Thoreson:** I don't recall that coming up in our discussion.

**Rep. Delzer:** That was never mentioned at all that I remember in our testimony.

**Chairman Svedjan:** Brady do you know off hand if there is money specified? I don't recall there is. I think there is.

**Brady:** I'm not aware of or heard of any.

**Rep. Ekstrom:** As I remember, there were things like screening for weapons and cameras and a number of items that were going to be covered with Homeland Security money.

**Rep. Delzer:** That wasn't mentioned in Highway Patrol or in Adjutant General's budget.

**Rep. Thoreson:** I believe some of us did visit the actual command post which is half the size of this table we are sitting in. They did talk of camera upgrades in an informal discussion with no discussion of where the funds were going to come for that.

**Rep. Kempenich:** We did bring that up in OMB where we did have some discussion of hardening of the Capitol grounds, but that is all the farther it ever went.

**Chairman Svedjan:** Do you recall was there mention in those discussions about stimulus dollars?

**Rep. Kempenich:** No. That was before. When we had OMB we didn't have stimulus at that time.

**Chairman Svedjan:** I'm cruising council's document here very quickly. I don't know if I'll be able to identify that or not.

**Rep. Kempenich:** The only thing OMB had written on the Capitol grounds that they were doing some inspection on the limestone facade and there were some other things. They talked

about hardening the grounds, but nothing specific was every brought up and no money was ever talked about. Had some breakdowns of what they were going to do, but never any money that was identified.

**Rep. Ekstrom:** Perhaps this is something we can deal with in conference, but I do know there were multiple millions available from Homeland Security.

**Rep. Delzer:** Rep. Ekstrom, you are talking Homeland Security, you aren't talking stimulus?

**Chairman Svedjan:** Oh, alright. Let's try and hold that thought for when this does get into conference.

**Rep. Nelson:** Rep. Thoreson, to understand the vehicle information exchange window system, does that \$100,000 complete the project or is there going to be some obligations in future bienniums for that project?

**Rep. Thoreson:** There may be some additional and if I might I would defer to Rep. Berg who has done quite a bit of work of this and can explain it.

**Rep. Berg:** We have a real problem with the heavy haulers who are 150,000 to 200,000. A lot of it is being done manually and we get about 100,000 permits issued a year. Every now and again they get a lot of permits all at once and have seen delays up to 2 or 3 days for the permit to haul. My fundamental concern is these heavy haulers are hauling things to the oil fields, hauling things I think are slowing commerce just waiting for this paper work to get done. The punitive effect of that is with a meeting with the Highway Patrol, the D.O.T., the Motor Carriers Association and the AGC's Association talking about this. In comparison to SD where there is about a two hour turnover on all permits. After this whole lengthy debate it came to us that there is a federal program called CVIEW that quite frankly ND is about 90-95% the way there. There are federal funds available to help transportation to move more quickly. A \$100,000 will not finish the project, but will get us in compliance with the (inaudible) CVIEW and access

federal funds to help streamline this. Our permit fees are about \$75.00 and surrounding states are closer to \$120.00 and the AGC and Motor Carriers said they are willing to pay \$10-15 if we can get this one automated and moving quicker. If there are other costs associated with this, I would see that in part being somewhat of a user fee to offset that.

**Rep. Wald:** Rep. Thoreson a couple of sessions ago we did away with the weight stations, I think was in this budget. Did they provide you with a comparison report on the violations if removing those stations has paid off or not paid off?

**Rep. Thoreson:** That was part of this budget several bienniums ago we deal with the weight stations. We did not have any discussion or documents prepared in that matter at this time.

**Rep. Delzer:** On the green sheet there is some money for some upgrades for some of the out laying weigh stations when they want to open them. That was not asked nor did I hear any difference of that. They did switch some of their personnel to roving weighed in inspections. I don't know it is necessarily down. Haven't heard anything on that. The other issue is when it came to OMB there was a reduction of 9 FTEs by the Highway Patrol. They were reinstated by OMB. There was discussion on that in committee and an offer for an amendment to take two of those positions away and that did not pass in committee.

**Rep. Skarphol:** Rep. Thoreson, what is the status on the vacancies? Are they able to keep their officers?

**Rep. Thoreson:** Again, that was not something they brought forward, I don't know there is a great issue. Rep. Delzer do you have a further comment on that?

**Rep. Delzer:** My understanding is all 9 of those positions they offered to remove or were full.

**Chairman Svedjan:** I thought I understood you to say you offered an amendment to remove two, but the amendment shows you have removed two.



**Rep. Delzer:** Those are different positions. These 9 they offered to remove were to be put under the Governor's guidelines of the budget.

**Chairman Svedjan:** I have the FTE report here. Do you need to refer to it at all? No? Ok.

**Roll Call Vote for a Do Pass as Amended on SB 2011: 23 yes, 1 no, 1 absent.**

**MOTION CARRIED DO PASS AS AMENDED.**

**BILL CARRIER: Rep. Thoreson.**

March 25, 2009

VR  
4/3/09  
1082

PROPOSED AMENDMENTS TO SENATE BILL NO. 2011

Page 1, line 1, after "patrol" insert "; and to provide a statement of legislative intent"

Page 1, line 10, replace "360,578" with "452,598" and replace "2,926,419" with "3,018,439"

Page 1, line 11, replace "4,344,774" with "2,748,156" and replace "38,643,772" with  
"37,047,154"

Page 1, line 12, replace "96,253" with "93,433" and replace "1,496,942" with "1,494,122"

Page 1, line 14, replace "4,901,605" with "3,394,187" and replace "43,167,133" with  
"41,659,715"

Page 1, line 16, replace "5,220,080" with "3,712,662" and replace "32,273,403" with  
"30,765,985"

Page 1, line 17, replace "3.00" with "1.00" and replace "196.00" with "194.00"

Page 2, after line 2, insert:

"Commercial vehicle information exchange window system	0	100,000"
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Page 2, line 4, replace "180,000" with "280,000"

Page 2, line 20, replace "\$220" with "\$200"

Page 2, after line 25, insert:

**"SECTION 6. LEGISLATIVE INTENT - AUTOMATED PERMITS.** It is the intent of the sixty-first legislative assembly that the highway patrol proceed with implementation of the commercial vehicle information exchange window system and with preparations to allow for the automated issuance of highway permits.

**SECTION 7. COMMERCIAL VEHICLE INFORMATION EXCHANGE WINDOW SYSTEM - USE OF FUNDING - BUDGET SECTION REPORT.** The administration line item in section 1 of this Act includes \$100,000 from the general fund for the commercial vehicle information exchange window system. Any funds designated for the implementation of the system that are not used for this purpose may not be spent for other purposes and must be included in the agency's unspent general fund appropriation authority for the biennium beginning July 1, 2009, and ending June 30, 2011. The highway patrol shall report semiannually to the budget section regarding the status of implementation of this system and on the use of these funds."

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT - LC 98030.0102 FN 1**

**A copy of the statement of purpose of amendment is attached.**

**STATEMENT OF PURPOSE OF AMENDMENT:****Senate Bill No. 2011 - Highway Patrol - House Action**

	<b>Executive Budget</b>	<b>Senate Version</b>	<b>House Changes</b>	<b>House Version</b>
Administration	\$2,926,419	\$2,926,419	\$92,020	\$3,018,439
Field operations	38,643,772	38,643,772	(1,596,618)	37,047,154
Law enforcement training academy	1,496,942	1,496,942	(2,820)	1,494,122
Deferred maintenance	100,000	100,000		100,000
Total all funds	\$43,167,133	\$43,167,133	(\$1,507,418)	\$41,659,715
Less estimated income	10,893,730	10,893,730	0	10,893,730
General fund	\$32,273,403	\$32,273,403	(\$1,507,418)	\$30,765,985
FTE	196.00	196.00	(2.00)	194.00

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

	<b>Removes Salary Equity Funding<sup>1</sup></b>	<b>Removes New Capitol Security FTE Positions<sup>2</sup></b>	<b>Reduces Funding for Officer Per Diem<sup>3</sup></b>	<b>Reduces Operating Expenses Funding<sup>4</sup></b>	<b>Adds Funding for CVIEW System<sup>5</sup></b>	<b>Total House Changes</b>
Administration				(\$7,980)	\$100,000	\$92,020
Field operations	(525,000)	(415,218)	(67,200)	(589,200)		(1,596,618)
Law enforcement training academy				(2,820)		(2,820)
Deferred maintenance						
Total all funds	(\$525,000)	(\$415,218)	(\$67,200)	(\$600,000)	\$100,000	(\$1,507,418)
Less estimated income	0	0	0	0	0	0
General fund	(\$525,000)	(\$415,218)	(\$67,200)	(\$600,000)	\$100,000	(\$1,507,418)
FTE	0.00	(2.00)	0.00	0.00	0.00	(2.00)

<sup>1</sup> This amendment removes funding added in the executive budget for state employee salary equity adjustments.

<sup>2</sup> Funding of \$415,218 from the general fund for two new FTE Capitol security positions and related operating expenses added in the executive budget is removed.

<sup>3</sup> The increase for officer per diem is reduced by \$20 per month, from \$220 to \$200 per month. The current rate is \$170 per month.

<sup>4</sup> Funding from the general fund for operating expenses is reduced by \$600,000.

<sup>5</sup> This amendment adds \$100,000 of funding from the general fund to begin the implementation of the commercial vehicle information exchange window system.

A section is also added to provide legislative intent regarding the implementation of the commercial vehicle exchange window system and an automated vehicle permit system.

**2009 HOUSE STANDING COMMITTEE ROLL CALL VOTES**  
**BILL/RESOLUTION NO. 2011**

House House Appropriations- Government Operations Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number 98030.0102

Action Taken Do Pass As Amended

☐ Voice Vote

☒ Roll Call Vote

Motion Made By Vice Chairman Thoreson: Seconded By Representative Kempenich:

Representatives	Yes	No	Representatives	Yes	No
Chairman Delzer	X		Representative Glassheim	X	
Vice Chairman Thoreson	X		Representative Meyer	X	
Representative Kempenich	X		Representative Kaldor		
Representative Berg	X				
Representative Dosch	X				

Total (Yes) 7 No 0

Absent 1

Floor Assignment Vice Chairman Thoreson:

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

Date: 4/3/09  
Roll Call Vote #: 1

2009 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 2011

Full House Appropriations Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number 0102

Action Taken adopt amendment 0102

Motion Made By Thoreson Seconded By Berg

Representatives	Yes	No	Representatives	Yes	No
Chairman Svedjan					
Vice Chairman Kempenich					
Rep. Skarphol			Rep. Kroeber		
Rep. Wald			Rep. Onstad		
Rep. Hawken			Rep. Williams		
Rep. Klein					
Rep. Martinson					
Rep. Delzer			Rep. Glassheim		
Rep. Thoreson			Rep. Kaldor		
Rep. Berg			Rep. Meyer		
Rep. Dosch					
Rep. Pollert			Rep. Ekstrom		
Rep. Bellew			Rep. Kerzman		
Rep. Kreidt			Rep. Metcalf		
Rep. Nelson					
Rep. Wieland					

Total (Yes) \_\_\_\_\_ No \_\_\_\_\_

Absent \_\_\_\_\_

Floor Assignment Voie Vote - carries

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

Date: 4/3/09  
Roll Call Vote #: 2

2009 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 2011

Full House Appropriations Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number 0102

Action Taken Do Pass as Amended by 0102

Motion Made By Thoreson Seconded By Meyer

Representatives	Yes	No	Representatives	Yes	No
Chairman Svedjan	✓				
Vice Chairman Kempenich	✓				
Rep. Skarphol	✓		Rep. Kroeber	✓	
Rep. Wald	✓		Rep. Onstad	✓	
Rep. Hawken	✓		Rep. Williams	✓	
Rep. Klein	✓				
Rep. Martinson	✓				
Rep. Delzer		✓	Rep. Glassheim	✓	
Rep. Thoreson	✓		Rep. Kaldor	✓	
Rep. Berg	✓		Rep. Meyer	✓	
Rep. Dosch	✓				
Rep. Pollert	✓		Rep. Ekstrom	✓	
Rep. Bellew	✓		Rep. Kerzman	✓	
Rep. Kreidt	✓		Rep. Metcalf	✓	
Rep. Nelson	✓				
Rep. Wieland	✓				

Total (Yes) 23 No 1

Absent 1

Floor Assignment Thoreson

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

**REPORT OF STANDING COMMITTEE**

**SB 2011: Appropriations Committee (Rep. Svedjan, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (23 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). SB 2011 was placed on the Sixth order on the calendar.

Page 1, line 1, after "patrol" insert "; and to provide a statement of legislative intent"

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Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT - LC 98030.0102 FN 1**

A copy of the statement of purpose of amendment is on file in the Legislative Council Office.

2009 SENATE APPROPRIATIONS

CONFERENCE COMMITTEE

SB 2011



## 2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 2011

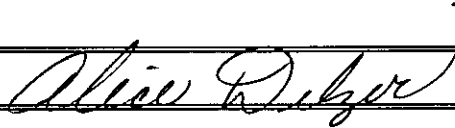
Senate Appropriations Committee

☒ Check here for Conference Committee

Hearing Date: 04-21-09

Recorder Job Number: 12051

Committee Clerk Signature



Minutes:

**Chairman Wardner:** opened the conference committee at 10:00 am in reference to SB 2011.

Senator Krebsbach, Senator Warner and Representatives Thoreson, Dosch, and Glassheim were present. Joe Morrisette, OMB and Brady Larson, Legislative Council is present.

**Senator Wardner:** Let the record show all the conferees are present. I would like someone from the House review the changes that you made. The first item we will discuss will be the amendment #4 on the sheet, statement of purpose sheet which is the operational expense of \$600K.

**Rep. Thoreson:** Going through SOP sheet, we did remove the equity funding, the second item was to remove money for two new FTE to be used for Capitol security and operating expenses. In our view we looked at the capitol, we visited with HP, moving offsite, we felt at this time the additional 2 persons are not necessary we can discuss that. The 3<sup>rd</sup> item was the \$200/month per diem we did allow the increase and item number 4 is operating expenses. #5 is addition of \$100,000 commercial right 4.03 apparently there is fed money available, so with that any of my colleagues have any comments.

**Senator Wardner:** we'll go to item #4 which talks about the funding for operating expense, which is reduced and we would like to hear you're rational on that.

**Rep. Thoreson:** Our reduction came from operating travel expenses. The price of fuel was higher then, it may not go back to the \$4.00 per gallon with prices going down again.

However, with gas in the \$2.00-\$2.25 range, that is one of the main reasons for that.

**Senator Wardner:** any comment now.

**Senator Warner:** What projections for fuel cost

**Senator Wardner:** the state fleet projected a rate of 70 cents per mile. They had it up to 74 and brought it back down to 70. The HP was running round 59cents and I understand where you adjusted that. I would like to point out that you moved the rate from 70 to 62 cents. Only for fuel I would understand, there are a lot of other things that come under the operational expense besides fuel; for example: vehicle replacement and others. A note on fuel, if gas does go up, it could go to \$3.00 every time it goes up a quarter it adds 2 cents a mile we need to give them a little cushion if that happens. The other thing is vehicle replacement. It is my understanding they need to replace some money for vehicles next biennium that is another area that affects this line item. We got fuel and vehicle replacement.

**Rep. Thoreson:** The rate was 59 cents for this biennium for the HP.

??? : It is not the average, we are currently at 55.

**Rep. Thoreson:** So at 55 we put forward at 62 which is a 14% increase. That is a bit of a cushion and perhaps we can look at that. We did see there would be some increases.

**Rep Dosch:** There budget was developed at 70 cents a mile, is that is correct?

**Rep. Glassheim:** The figure of 62 you take that 600,000 out and it averages 62.

**Senator Wardner:** When you move from 70 to 62 you save \$600K.

**Rep. Glassheim:** What will the state fleet do? Are they going to be charged?

**Captain Dave Kleppe:** We actually get the rate that DOT sets; they decided to stay with the 70 cents projection for 2009-11 budget cycle. It does change approx every 3 months

depending on the actual costs that come in, and the new vehicle bid and what the used vehicles are bring at the state auction.

**Senator Wardner:** When we talk about 70 cents we are talking about depreciation, vehicle replacement, it is not just fuel?

**Captain Dave Kleppe:** that is related to another component replacement? State fleet bid the new vehicles put on replacement rate. DOT has its own fleet management session; we adjust our budget accordingly by that 3 month cycle. Now with the current biennium they have been averaging less than normal. The overall fleet 7 to 20+ cent increase, and we need to brace for some of those increases.

**Senator Wardner:** On the mechanics, does the state fleet purchase vehicles for you, or does your agency purchase them?

**Captain Dave Kleppe:** DOT does the purchasing in conjunction with OMB. They own, purchase, and maintain the vehicles.

**Senator Wardner:** So what happens here is they set the rate and you are going to pay it.

**Rep Dosch:** Is the rate 70 or 55 cents.

**Captain Dave Kleppe:** The current rate is 55 cents. It was 59 and went down. They monitor the expenses and as of Feb. 1 we know our rate is 55cents.

**Rep. Thoreson:** do you have a schedule or a list of what your rates have been over a specific period of time?

**Chairman Wardner:** The next time we meet we'll bring someone over from the fleet, the HP has no control over that, we need to find out how they came up with this number. Thank you for your request.

**Senator Krebsbach:** Going from the 55 to the 70 does that include maintenance or does the price incorporated in there for the replacement of these vehicles.

**Senator Wardner:** When you talk about vehicle replacement, you talked about vehicle parts and repairs, and then you talk about collision costs, running into deer, people running into your cars; and last does the fleet service take care of all these things for you?

**Captain Dave Kleppe:** We actually don't see the costs but yes it includes all of those items; new vehicle pricing, mechanical and collision, and those costs are all included in that rate.

**Senator Krebsbach:** Are the vehicles not insured through NDIRF.

**Captain Dave Kleppe:** Yes, we are insured by the same state insurance as all the other state fleet vehicles.

**Senator Wardner:** Talked about collision costs costing almost \$63K, but your 3<sup>rd</sup> party collections, and that would be the state fleet, they were only able to collect about \$12,680, why such a big difference to take care of the cost after you have been in collision and what you can recover? Isn't there any insurance there covering the difference?

**Captain Dave Kleppe:** It is either animal related or we cannot recoup the losses due to various reasons such as no insurance by the 3<sup>rd</sup> party.

**Senator Warner:** (22.06) to have the G&F add liability for game collision.

**Captain Dave Kleppe:** We did make specific requests, on that handout I provided was their response this sheet was put together by DOT. That was an email we copied on to this.

**Rep. Thoreson:** I did review this but I still think we should have someone here from the state fleet to answer questions.

**Senator Wardner:** I agree with that, we are getting close to the end. Projections for next conference committee: someone from state fleet, and if there is time, we will move to item 3, officer per-dim items 4 and 3 that we will discuss next time.

**Rep Dosch:** when they come over they do have the history.

**Senator Wardner:** the HP will contact the state fleet. Make sure they are here; I would guess if we meet Thursday, we don't have control of when we are meeting. We are in recess till the next meeting.

## 2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 2011

Senate Appropriations Committee

☒ Check here for Conference Committee

Hearing Date: 04-22-09

Recorder Job Number: 12126

Committee Clerk Signature

*Alice D. Dyer (don't print)*

Minutes:

**Chairman Wardner:** Opened the conference committee meeting at 3:00 pm in reference to SB 2011. Let the record show all conferees are present. They are as follows: Senators; Krebsbach, Warner; Representatives; Thoreson, Dosch, and Glassheim. Joe Morrisette, OMB. Brady Larson, Legislative Council.

**Chairman Wardner:** If you recall we were working on the area of the statement of purpose, item number 4, general funds for operational expenses which we reduced by 600,000 and we hadn't progressed from that. I am going to have someone from the state fleet services share with us. We would like everyone to have a level of comfort on this issue.

**Tim Horner,** State Fleet Services: I am willing to answer any questions on the rate issues and how we do it. Maybe that is the way I would propose running this.

**Chairman Wardner:** Committee members looking at the back of the page it spells out what goes into each of the areas as far as coming up with the costs. We are talking about the memorandum dated February 25<sup>th</sup>, from Paul Hanson, State Fleet Services Director. This is the direction on guidelines for budgeting for the upcoming biennium.

**Tim Horner:** What we have done there is we have taken a look at the past rates and we point out in here that the mileage hourly rates consist of two components which are our operating

cost and depreciation. Operating cost are parts, insurance, labor cost, overhead and administration.

**Chairman Wardner:** The big thing we want to understand is, it is not only about gas, it is about other the areas that go into the operations.

**Tim:** That is correct and depending on the vehicle, some we will see more growth in the shop area and they also get more in the area of parts, and there always is a parts inflation factor, some need more parts and weather related repairs.

**Rep. Thoreson:** I am looking at the numbers you calculated this to be 70cents per mile and currently we were told it was 55 cents a mile.

**Tim:** That is correct.

**Rep. Thoreson:** That seems to me to be a big increase even with parts going up. I need to have some justification of where that additional 15 cents per mile comes from.

**Tim:** The rate at that time was based on \$4 a gallon of gas plus it is based upon replacement costs, we have not seen that so far. The last 4 or 5 years we didn't see an increase for replacement. We are almost sure it will go up. I get your point of the 15 cent jump it is based on what the fuel is for the biennium, we don't know what it will be the next biennium and the fuel component is a big part of the pricing.

**Rep. Glassheim:** I am looking at some of these numbers. On November 1, 2008 you show operating rate of thirty nine cents and depreciation rate of twenty for a fifty nine cent total and zero for a replacement rate. Now in this second thing dated February 25<sup>th</sup> of this year, you have rate which is sixty five cents. I presume that includes operating and depreciation and you have a replacement rate of five cents. We are concerned the gas has gone down so we think operating should be going down. I am looking for the rationale of the numbers.

**Tim Horner:** It is a complex issue, because we have so many prices coming in that are reviewed every quarter and the rates are heavily looked at. We also have to look at assumptions of replacement, which means if I bought the car two years ago for fifteen thousand dollars and bought the next biennium car for twenty thousand dollars that is a difference of five thousand dollars and that has to be spread out over the per mile usage of the vehicle and those things come in at different times and different quarters as to how we do it. We are very selective on how we do that because we have to face federal audits. Again the cars or SUV's haven't gone up much but there are repairs. They don't have a lot of vehicles, but they do things that are hazardous and if they have a crash, it is a big impact sometime down the road.

**Rep. Glassheim:** I am trying to help you justify this thing, let me ask this in another way, I see Here for the past three or four years under replacement cost you have a dotted line, which means you didn't calculate that in or you did it is somewhere else. But this year as of February 25<sup>th</sup> you have a nickel, explain what is going on.

**Tim:** The nickel wasn't there because those cars didn't go up in cost. You don't do it every time.

**Rep. Glassheim:** On the operating expenses you have, state fleet vehicle costs are rising so you just projected ahead, that is where the 70 cents come from as opposed to the 59.

**Rep. Dosch:** I understand what is all involved in setting those rates, but when you set that seventy cent rate, that was a year ago but we don't have four dollar and fifty cent gas today. Your current rental rates are fifty five cents, how often do you adjust those rates?

**Tim:** Quarterly.

**Rep. Dosch:** What is the projected rate for the next quarter coming up?



**Tim:** It may be up because of the repair costs that occurred in the last two quarters. What we did do is a look back at how much they changed, since last the last two years.

**Rep. Dosch:** So Tim, and again I am trying to justify the House action that we took, we set those when we came up with 62 cents a mile, and you're fifty five now are you comfortable now that the rate won't exceed 62cents for the next quarter?

**Tim:** I couldn't guess what gas will be a year from now.

**Rep. Dosch:** As of today, and where your rates are at, 62 cents is higher than it ever has been as far as the actual rate.

**Tim:** I see what you are asking, we'll ask Paul.

**Paul:** The highest rate has been 62 cents.

**Chairman Wardner:** The patrol had said 59 cents and it is 55 now.

**Rep. Thorseon:** My question is about the replacement cost for vehicles are we seeing a major increase in the price of vehicles at this time?

**Tim:** I had the same assumption that you did that the auto industry is hurting and that their replacement cost and new costs would go down. They have gone up seven to twenty percent in our bids this year. The only group that has not seen an increase is the ones for the Highway Patrol. Those were Expeditions and Crown Victoria's, but every other vehicle type has gone up.

**Rep. Thorseon:** If that is the case, when was the last time you saw a significant increase in that type of vehicle?

**Paul Hanson:** In the last 6 to 8 years, they will come up. The new 2009 sedans went up.

**Chairman Wardner:** The mechanics of how this works we have a picture of the mileage rate. Now, every quarter that you adjusted this 70% is a projection, are you projecting that it will average that, or is that going to be a high?

**Tim:** That is the average for the biennium.

**Chairman Wardner:** You had been at 74 and you backed it down to 70, why were you at 74?

**Paul:** When we met to create the budget guide lines, the financial analyst came up with that, and we felt was too much.

**Chairman Wardner:** As we move forward every 3 months, you will adjust the rates, it's possible that the rate could be 59 or 60 and the following quarter it could be 61. It possibly could drop, but when you look back at your predictions you are saying it will move up. To average 70 it would have to go over 70 at some point. What I am getting at is they are going to have to pay whatever you set so if we ended up with 67 cent average that is what they pay, they have no choice, or they don't get the cars.

**Tim:** If they drive less, the rates could go higher, at some times the agency will say drive less, and they are out there and the mile per mile rate will go up. We haven't set the rate over a period of time the price is the same as projected.

**Chairman Wardner:** Committee members, I have my questions answered. What we are doing, is we are competing and saying to the Fleet service and the DOT, we are not going as high, the house says, 62, DOT says 70, I am speaking for myself, I think we have to be higher than 62, we want to negotiate, we would be willing to come down from the 70 but not to 62.

**Senator Krebsbach:** I always look at compromising, in between at some times, unless the case is made so strongly that they need the entire amount. I would think if we drop 2 cents that would put us at 68.

**Chairman Wardner:** If they don't use it, it will come back in turn back dollars, at the end.

**Senator Warner:** I do have one question, what sort of contingency do we have should it not be adequate do we allow them to go to the BND and borrow against the emergency appropriations?

**Rep. Thorseon:** What would be the procedure should there not be adequate funding.

**Brady:** I am not aware of the specific provisions from the bank of North Dakota. However the Highway Patrol could borrow from the state that would be up to 700,000 dollars as it sits now in the OMB budget.

**Rep. Thorseon:** Looking at these numbers, I see it as a large jump, even at 68 cents is quite an increase, I am still not convinced we will see that number, in speaking to our chairman we would need to talk about this and I can only speak for myself. I can talk with our chairman with the information we have today.

**Chairman Wardner:** We will move on to another issue. We'll let that percolate and talk to people. I'd like to go to item number three which talks about officer per diem, it was reduced by twenty dollars, the Senate had it at two hundred and twenty, the House put it at two hundred, it had been at one hundred and seventy, so the House amendments is a thirty dollar increase, the Senate was a fifty dollar increase, we have a document that we all got, and it is the one with the nice bars on it. My only comment on this, we have these officers out there and they are going to put in their own dollars for uniforms, uniform cleaning, meals, I wanted to discuss that.

**Rep. Dosch:** What I remember from committee discussion, continued ongoing spending the state is faced with, and the level we are at, something needs to get done, we are outpacing our revenues, this is an ongoing expense for the state, and what we looked at moving it to two hundred from one hundred and seventy, it is about a 17% increase, the 17% increase is pretty generous the two hundred and twenty dollars would represent a 29 % increase and we felt that was no acceptable so we settled on that 17% increase.

**Senator Krebsbach:** I am looking at it a little differently. This per diem has not increased since 1997 that means it has been 12 years. That amounts to about four dollars and fifteen cents per year of an increase and I don't think that is out of line for the costs they are incurring.

**Rep. Thoreson:** I guess if that is the case, we can only look at the present and future, we felt that 17% is quite healthy, I hope we will not let it go another twelve years again.

**Rep. Glassheim:** I agree with Senator Krebsbach, if you take 12 years and average even 2% inflation, it is 25 and 35 % inflation rate. So basically we are catching up with inflation and putting it on the equivalent position in 2009 as they were in 1997.

**Rep. Dosch:** Just some of the other discussion, we're paying for dry cleaning, we need to go back to wash and wear uniforms, there are some choices here.

**Chairman Wardner :** First of all, we want our State Highway Patrol to look sharp and professional, sometimes that dictates the type of material used in the uniform. One of the issues with the state patrol is that we want to make sure we can recruit people and retain them, and sometimes little things like these helps to keep them. It costs a lot more to train them than to keep them. I agree with you we have to watch our spending, we have 3 or 4 huge budgets that we can take some money out of and as far as this, we are providing people in the trenches in the front lines just a small token of that we appreciate what they do and we will take care of them.

**Rep. Thoreseon:** Are you willing to come to a different amount or are you set on the two twenty a month?

**Senator Warner:** I wanted to emphasize the dignity the professional uniform brings. I think it is appropriate that we realize these are professional people and they need to dress that way. I am very proud of the behavior we see all over the United States with law enforcement.

Chairman Wardner: Here is what I would like to do, so that we can say we agreed on one thing, the equity issue we agree on. We have one thing. Next time we come we will try to get some proposals on the table, mileage, per diem, we will talk about number 5, and then we are going to leave the 2 FTE's for last. That will be the agenda for next time. I do feel that we can move along and get down to that last issue by the last part of our meeting. We are adjourned.

## 2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 2011 Conference Committee

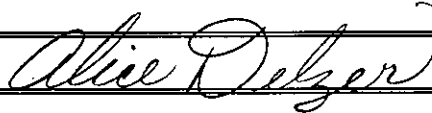
Senate Appropriations Committee

☒ Check here for Conference Committee

Hearing Date: 04-24-09

Recorder Job Number: 12192

Committee Clerk Signature



Minutes:

**Chairman Wardner:** Called the conference committee to order at 10:00 am in reference to SB 2011. Let the record show all conferees are present. They are as follows: Senator Krebsbach, Senator Warner; Representatives Thoreson, Dosch, Glassheim. Becky Keller from Legislative Council and Joe Morrisette from OMB were also present.

**Chairman Wardner:** Just a quick review of where we are at, we were discussing the number one issue, we talked about the 600,000 that was reduced from the operating expense. The way the bill sets it is 62 cents a mile and fleet service is at 70. We are talking about negotiating something there. We also talked about per diem for the officers, they are currently at \$170, the House amendment put it at \$200, and the Senate had been at \$220. The next thing to discuss was the 2 security position at the Capitol; we would like to get that on the table. We'd like to see one position put in the bill. The reasoning, first of all, the Supreme Court requires that a sworn officer is there to handle the people coming through the metal detector. In order to accommodate the Supreme Court they have to bring people in from the field. There are comments that there are sworn officers down the hall, they have their jobs to do, I feel it leaves a hole out there where the officer is pulled, and then you have to have other officers cover that officer's position out on the field. Two would have worked out really well; however, I think one will suffice. That is our stand on that issue.

**Rep. Thoreson:** Did the Supreme Court or the Highway Patrol provide the Senate appropriations members with any information on how many days or how many hours they need an officer and is it just when the court is in session?

**Chairman Wardner:** That is correct, when court is in session. They meet 2 or 3 times a week, they start in the fall and they go until spring, in the summer time they are not in session. Kind of like a school year that this need is there, the fact they have uniformed officers around the capitol is a good thing too, but provide all around security just like we have a sworn officer that moves around the senate and house chambers during the session.

**Rep. Thoreson:** The main justification is the security needs at the Supreme Court, to give them security when they are in session.

**Chairman Wardner:** That would be a major part of it, there are other things involved here too but that would be a major part of it. I wanted to make sure we had that on the table. Are there any other comments about that issue?

**Senator Krebsbach:** I think we heard in conversation with the Patrol that they are not just limited to the court area they are called many times to the other facilities around to different areas, security in a necessary part of the protection of the people and the buildings.

**Rep. Dosch:** They do have other security patrols around the capitol grounds, they are rent a cops I guess, so there is security, we do see them around, it has been working like this forever up to this point, unless there be some drastic changes, we worked through 911. Given any other situation in seems to be working, it is just a matter of scheduling.

**Senator Warner:** One of the things we've seen is the presence is here, we don't see the presence but we don't see the presence that is not in the country. Most of this legislative session there has been no highway patrol presence between Bismarck and Dickinson; those officers have been here with us. That is a very long stretch of highway and a lot of counties

that haven't had highway patrol presence for all the time we have been here. We are working on a creating a marginal like system, it is right on the edge to tipping over and falling off the edge.

**Rep. Dosch:** I heard that the Representatives and Senators from the western part of the state get home quicker and don't necessarily object to that.

**Chairman Wardner:** What I was going to do inventory where we are at, so we can move on, trying to zero things down. First of all to you happen to have your statement of purpose amendment sitting in front of you? I have the fifth one, it is our number four item that we would discuss and number one is the fifth item. In the fifth item which the amendment looks at the House added a hundred thousand from the general fund to the implementation to the commercial vehicle information exchange window systems, known as See vision. We don't have any problem with that I know there are groups out there that really want this and so as far as we are concerned we are okay. Number 1 which is the employee salary equity that is taken care of and the amendment are prepared. 1015 is still parked here and it would be put on at the appropriate time. Those two issues we agree. So then it comes down to items 2,3 and 4 and we'll go back to number 4, which is our number 1 item we feel that taking 600,000 out of the operating expense is a huge amount. I heard it last night when I sat in on your appropriations meeting and it was mentioned about the \$4 a gallon gas and when the fleet set their rates, I know gas is a part of it but not all of it. I noticed in the amendment you took 5 million out of the budget for the fleet service to collect from other agencies. That was quite a bit of money and that will be debated in other conferences I am sure. You are dealing with a group that knows what they are doing and I don't disagree that maybe 70 cents is a little high but 62 is a little low.



**Rep. Thoreson:** We did have a discussion with leadership in the houses and on that issue they are remaining at that level of 62 at this time. We can go back and visit about it further and check into it a little more.

**Chairman Wardner:** I am going to package these three things so we can find a dollar amount. If you were to set the operations at 66 cents that would cut three hundred thousand, I am cutting from the executive budget and senate position would be the same. We would cut 1 FTE, that is 208 thousand and I am calculating, this is an arbitrary number we negotiated it and talked about equity and from 24 to 16 million. There would be a one third cut in the equity it could be less and that amounts to about 175 thousand, so we look at it is about 683,000. Keep in mind the House put in one hundred thousand for the Cvision. In the overall picture it will be approximately 580,000 per year.

**Rep. Thoreson:** Could you get me the numbers on each one of those issues? For the mileage, we are at 62 and you are talking about 66.

**Chairman Wardner:** We will go with 66, which I feel is a substantial move on our part and we are doing ratio proportions on that. We didn't check with OMB of Legislative Council, so these are subject to being corrected. We figured that would be about 300,000 and the FTE, I cut the appropriation in half and that was 208,000 and then I took 1/3 of the equity about 175,000 and that brought us to about 683,000, we're cutting from the executive budget and Senate position.

**Rep. Thoreson:** Where does that leave us with the per diem amount?

**Chairman Wardner:** It would still be sitting at 220, we could talk about that. So if we stuck that in there it would take us definitely over. If we really get down to it, look at 100,000 went to Cvision, I would like to look at how important that is, but that gives us something to leave here and talk about.

**Senator Warner:** I agree with your position here but I would be more comfortable if we put in continuances language that the Highway patrol is not to short change their other program should our predictions relating to the cost be off they could borrow money from the BND.

**Chairman Wardner:** They can go before the emergency commission, I guess I feel we made a real step forward, I hope your leadership considers that.

**Senator Krebsbach:** My thoughts are very similar to what Senator Warner is talking about, I feel more comfortable going to 68 cents, and it would give them that additional dollar at this time. We don't know what they will have to do in the trade in and purchasing of vehicles. I will go along with you on the 66.

**Chairman Wardner:** We feel there are some people that do this, they say, you are here and we here, we played our hand; we are not going to do that. We think that is a fair proposal; there may be some little things we can touch up a little bit. I could have played a lot more games; I like to lay it out. We hope you will consider it.

**Rep. Dosch:** Comments on millage, so you understand the highest it has been is 59 cents that was when we had \$4 a gallon gas. We went above the 59 cents and set it at 63 cents.

**Chairman Wardner:** I think it is alright to give these agencies a little flexibility they have been pretty responsible I know they are going to have a turn back. I know as an agency head you almost hate to turn money back, because then they are going to get cut by the next legislature. I think if there is any left it will come back they are responsible, it gives them some flexibility and when you take a look at this organization the North Dakota State Highway Patrol is the smallest highway patrol in the United States and a state that would be similar in population and size is Wyoming and they have 200 troopers and we have 140 or so. So I am advocating for them.

**Rep. Dosch:** We have better people living here in North Dakota.

**Chairman Wardner:** That is true but with the interstate and people bringing drugs into are state, I am always amazed by the stories of the highway patrol, they are like bloodhounds they can smell a drug runner out a hundred miles away, I don't know how they do it but they do. I heard story after story of how they have picked up people bringing in drugs to the state to Bismarck or Dickinson or Fargo, especially along the interstate. They do a great job of taking care of us so we should take care of them.

**Rep. Thoreson:** We do need to realize that they have a lot of down time with all the road construction going on.

**Chairman Wardner:** I did ask them to schedule us to tomorrow.

**Rep. Thoreson:** We will work all day. We will be here.

**Chairman Wardner:** Good dialogue appreciates your frankness. We are in recess.

## 2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. SB 2011 conference committee

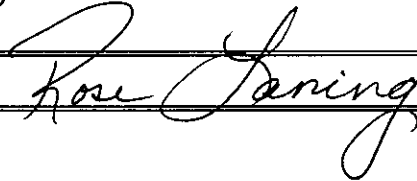
Senate Appropriations Committee

☒ Check here for Conference Committee

Hearing Date: April 25, 2009

Recorder Job Number: 12263

Committee Clerk Signature



Minutes:

**Senator Wardner** called the conference committee hearing to order on SB 2011 in regards to the Highway Patrol. The minutes are to reflect that all conferees are present: **Senators Wardner, Krebsbach, Warner; Representatives Thoreson, Dosch and Glassheim.**

**Joe Morrisette** with OMB and **Brady Larson** with Legislative Council were also present.

**Senator Wardner** handed out State Fleet Services (See Attached # 1) and went over mileage costs with different prices increases for fuel and fleet expenses.

**Representative Dosch:** The current rate of \$.55 already includes parts, repair, and replacement costs.

**(Turned on recorder)**

**Representative Dosch:** Right now they're charging 55 cents a mile.

**Senator Wardner:** Correct, it is my understanding that all of these are predicated on increases.

**Representative Glassheim:** You are right; they are included in the 55 cents. They're all projected increases of over the 55 cents that they are expecting.

**Representative Dosch:** I don't see how increasing depreciation expense has anything to do with the price of gas. Could we get a clarification? The way the memo states, I can see where

you are coming from. I don't think that is correct. I may be wrong, but perhaps if the Highway Patrol could clarify that.

**Senator Wardner:** We can. My only comment would be that they did talk about under collected dollars of depreciation that may have an affect there. I am not sure. We know that there has been some cost of replacement. The cost of new vehicles has stayed pretty flat. However they may be trading them.

**Senator Krebsbach:** I think there is an explanation of the depreciation for Mr. Hanson's letter.

**Representative Glassheim:** Resale value would be in replacement rate? (I'm interrupted by Chairman Holmberg)

**Representative Dosch:** My interpretation is the only thing that wouldn't be reflected is the increase in gasoline costs that we would have to have under each of the various scenarios.

**Senator Krebsbach:** I know that there has been a considerable increase in the service work and for the additional parts. I do expect that to go even higher.

**Senator Wardner:** Asks if anyone has any comments about depreciation.

**Captain Dave Kleppe, North Dakota Highway Patrol:** It is my understanding that the depreciation is looked at as an increase for the new budget cycle. That is where that listed the 2.78 cents in your first example and others. I guess DOT has way of looking at that, but I believe they only adjust that aspect of the rate annually. I don't believe they adjust every two to three months like some of the operating portions of the rate you looked at. They look at some of the auction prices are on the fleet auctions from spring to summer and then they adjust that rate. I think that is where there may be some \$100,000 that's being under collected.

**Senator Warner:** If you take a depreciation rate of 2%, 2 cents per mile over the 80,000 life span of the car (inaudible). It's an indication of increase – magnitude of 10, maybe \$16,000.

**Captain Kleppe:** Of the current rate of 55 cents, 20 cents of that is depreciation right now. Then it is 35 cents that is operating. Sometimes they are a little closer together.

**Senator Wardner:** It is my understanding that these definitely are increases. They have been projected by the DOT. When they're at 70, we could all agree that maybe it is a little too much. I would like to just paint the picture of another scenario. For example on parts and repair, on that last situation 3 – I put it in the lowest part. But I am told that parts and repairs are going up and they constantly have a high inflationary rate. If you're involved in any kind of profession such as farming or anything like that, parts are expensive for very little and it is the same here. This past winter has been hard on patrol cars and they have had a lot of repairs. When you take a look at that particular one, parts and repair costs, they are probably going to be closer to three cents. If we were to change that to three and even change the replacement rate; they do believe it's going to jump on them. We feel like we could go to work for the state fleet. Any other comments?

**Representative Thoreson:** I appreciate information provided to us. I still have great questions about this. When you take the numbers on this document, add them up, divide it out, they have been averaging about 53 cents. Granted it did go up a bit in November from August, but still we are going from 53 to where the House has it at 62, that is still a significant increase.

**Senator Wardner:** We presented some facts and figures and I recognize that it is around 53-54 cents on average. However, we do believe that the people that are doing this know what they are doing.

**Representative Glassheim:** I appreciate laying it out. I think the House was interested in making some cuts and were concerned about the general fund and all that. The numbers seemed high. Which they do, but I appreciate your getting something that is much closer to

reality as far as the Senate. It is all projection so we can't be absolutely sure. But these are the expert's projections in each of the categories. You've taken the low projection in each of the categories which turns out that it is about halfway between the House and Senate position. There is still some savings over the Governor's budget but not quite as much as House wanted. I hope the House can settle on \$.66 as a fair compromise which is also rooted in some reality of the numbers.

**Senator Wardner:** I will make a comment on the uniform per diem. I guess I feel like we put these people in difficult situations and make sure that they don't have to take money out of their own pocket to take care of their per diem is the right thing to do. That \$170 has been there for a long time. I don't recall the year, but it was around 1997 that is the last time it was cut. I think it is the wrong place to cut dollars. We have to keep in mind that the Highway Patrol was in Fargo during the flooding as well putting in a lot of overtime hours. We talk about the Guard and they did great job. I think it is a little appreciation. If were over their per diem, I wouldn't have argument, but we are going to be at less than we were projected to be. Their per diem is approximately \$237 per month. Even at the Senate position we are at \$220. We're not taking care of all their needs at this point.

**Senator Wardner:** Any comments?

**Representative Dosch:** A friend of mine is in the higher ups of the Bismarck PD and I asked him the other day what they get for their dry cleaning allowance per month and the city of Bismarck is at \$15. I thought I would share that.

**Senator Krebsbach:** In this document we received, their dry cleaning is \$6.25 per uniform and their jackets are \$7. I think that is in line. The difference between the Bismarck PD and the Highway Patrol is that they have meal costs included in here because they have meal costs on the road and the Bismarck PD are in town.

**Senator Wardner:** I just want to point out that if you happen to have this document, most of the highway patrol officers' end up going to work for the Bismarck PD because they get a considerably higher salary. So Bismarck can fudge a little.

**Representative Thoreson:** I understand it has been a while since they have had an increase. Ours is a firm 17%, and at this time we are firm at \$200.

**Senator Wardner:** The only thing is when you take it over a period of time and you look at what a percent of increase it is per year.

**Representative Thoreson:** I don't disagree with you. I guess that is something that we need to make sure does not happen.

**Representative Glassheim:** My calculations are that over 14 years, it shows that at \$200 it would be a 2.2 percent per year increase, well under the rate of inflation. At \$210 it would be a 2.9 percent increase and at \$220 it would be a 3.6 percent. At the actual of \$237 it would be 4.8 percent. Basically between around 3% is normal inflation. My thought is that we come up to even and then we don't let it happen again.

**Senator Wardner:** Anything before we adjourn?

**Representative Dosch:** In looking at the big picture. I know it seems dumb to quibble over little things. The bottom line is, we all get the budget status report, and we are \$136 M overspent in budget right now. We are going to cut some out of the budget before we go home here. All of this stuff adds up. We have to start doing something. I guess our position on the mileage is that it is the highest it's ever been. Uniforms are a 17% increase. The two new FTE's at the capitol security. In the Governor's budget he added over 200 new state employees. You look at the growth of our government over the last ten years, compared with the growth of people and it is ridiculous. You look at the growth of our spending in the last biennium and this one; we are talking about a 50% increase in government spending. A lot of



these things are good and a lot of these things I would love to have etc., but the bottom line reality is that we are going to have to start doing something soon or we aren't leaving here.

The average budget is going up 18% on these agencies, and that doesn't even include all of this extra money we are spending on roads and stuff like that. We are talking 32-36% increase in spending. It's not that we don't think these are good ideas, but we have to do something.

**Senator Krebsbach:** I too am concerned about the increase, but I think in relation to that we have to look at increase in revenues generated over this period of time. There has been some tremendous growth. With tremendous growth you will have additional operating costs. I think much of what we are looking at is very well justified.

**Representative Dosch:** That point is well taken. We have had considerable increase. You are right about the huge increase in revenue. I guess there are good things and bad things that come with that.

**Senator Wardner:** We are sending a lot of money back to people. It all plays into this. There is \$100M in income tax relief in those numbers. In adjournment until Monday.

## 2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. SB 2011 conference committee

Senate Appropriations Committee

☒ Check here for Conference Committee

Hearing Date: April 27, 2009

Recorder Job Number: 12312

Committee Clerk Signature

*Rose Laning*

Minutes:

**Chairman Wardner:** Called the conference committee to order on SB 2011, which concerns the Highway Patrol. The minutes are to reflect that all conferees are present: **Senators Wardner, Krebsbach, Warner and Representatives; Thoreson, Dosch, and Glassheim. Becky Keller, Legislative Council.**

**Chairman Wardner:** Any proposals from any one. We still feel our position is a fair position. We talked about the state Fleet services and I know we did get a counter proposal on that. I would like to talk a little bit about the officers per diem, I do feel it's not a big amount, it is about 67,000 dollars. If you look at it as far as a percentage, the officers have been subsidizing the state of North Dakota. I think that where we are at the 220 dollar mark is still 17 dollars under what their projected costs are. I would hope we could at least come to the 220 mark on that.

**Rep. Glassheim:** I would like to pass out a handout, at the inflation rate for each year since 1997 when we started with 170 dollars and so the first year is 2.3 percent, I multiplied by 1.023 and the next year exc... I got the information from the legislative council and I just started multiplying – see attached # 1. It came out that the 170 back then would be 246 dollars now. (Continued sharing what the cost of inflation is and what the patrolmen pay themselves.) We need to look at the proposal and look at it in terms of the 15 years it hasn't been raised.

**Chairman Wardner:** Any comments to Rep. Glassheim?

**Senator Krebsbach:** I did my figuring early on and I think it is a fairness issue because nothing has been kept down to the 1997 level. If we are to keep these people looking good and sharp they need to have their uniforms ready. They are out on the road and they have meal cost. I fully support the \$220 on this.

**Senator Warner:** One of the things that strikes me although we are considering this as an isolated compensation thing, it is part of a package of compensation and if we look at the total package of compensation with salary plus health benefits plus per diem, we are still miles behind any other state. We're losing people to agencies outside and inside the state. There are many counties that pay better than the state does and they can work under better conditions. This is a way of compensating them and can magnify the benefit by doing it in this way. I would support this rate per day.

**Chairman Wardner:** Maybe we're sending too much money back to the counties because they are stealing some of our people and they are going to work for them.

**Rep. Dosch:** I agree with colleague and looking at the total package deal. I shared this with one of my earlier conference committees this morning and I will repeat it. I had a meeting with numerous business leaders yesterday that wanted to talk to me and proceeded to chew me out. Frustration and anger on their part and wondered if we ever stepped out of our ivory tower up here and looked at the real economy out here in North Dakota and across the nation. We have people getting laid off in the state and major industries asking there people to take a no raise for a ten percent pay cut. Where do we get justification for the 5 and 5 that we our giving our state employees, they are wondering where we are coming from. Aren't we looking at job loss? We're giving 100% increase on health insurance and offering a seventeen percent increase in the per diem rate and it's like it is not enough. The people of the state are going to become upset on growth of government. This is all ongoing spending. I didn't even throw in

equity funding. People look at us like we are nuts. I'd love to give them the \$246 that Representative Glassheim figured out but we have to look at the whole big picture and the compensation package.

**Rep. Thoreson:** I to feel we've been handing a lot of money out there and if we want to start looking at things we want to change from ten, twelve and fifteen years ago, I guess we can do that, the House feel 17 percent is very fair.

**Chairman Wardner:** I have people in my district who say not to give pay increases, but give them bonuses. If that same individual goes to the state of North Dakota they want the best service they can get and they want it now. Then when you take a look at the budget status report 295 million dollars it shows up as expenditure. It is going to the school districts that are already spending that money but it's taking the place of 75 mills which is expenditure to the state, to the citizens of North Dakota. If you take that out, that percentage drops. It may tweak your conscience. There's no question that we have to be careful. We're projecting that we'll have \$400 million laying on the table for a rainy day fund. We also had \$295 laying in another fund. Also we are not going to take the \$60M out of the bank of ND. If we can leave it there rather than leave 60 million more in the permanent oil trust fund and that is okay because it helps the capitalization of the bank. That was in the budget and we are not doing it. The executive branch had a forecast. The leadership downsized it even more. When it came to the general fund, I agreed with it. The trigger was going to trigger the incentives. There is going to be an increase in oil revenue. It's going to be sitting up \$55 dollars at 7% and when it comes off that it will be 9%. There will be about a \$20 M increase. With oil prices and stuff, we're going to have at least \$400,000 laying in reserve. We're spending over \$400 million in tax relief. I remind people that we gave the state employees nothing in 2003. If we didn't have \$400 M laying on the table and the property tax cut back. In the meantime, the private industry

is taking our people. The state auditors are trained and then they go to MDU. We'd like to have an officer here in Bismarck to take care of political subs. They can't pay them so the political subs will have to pay more for their audits. They do affect this budget. I know you understand them too. We're going to meet tomorrow morning at 9:30. We will recess.

## 2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. SB 2011 conference committee

Senate Appropriations Committee

☒ Check here for Conference Committee

Hearing Date: April 28, 2009

Recorder Job Number: 12328

Committee Clerk Signature

*Alvin Delzer* (done upstair)

Minutes:

**Chairman Wardner** Called the conference committee to order on SB 2011 regarding HP. We have a proposal I am going to have Captain Kleppe explain it. Let the record show that all conferees are present: Senators: Wardner, Krebsbach, and Warner; Representatives: Thoreson, Dosch, and Glassheim.

**Captain Kleppe** Item one on your sheet is regarding the equity funding, there is a request here that would allow, if there are savings at some point, the patrol to have the authority to go to the full \$525,000 salary amount.

**Senator Wardner** No additional costs?

**Kleppe** No

**Rep. Dosch** Just so I understand this, this funding would be in addition to the agencies share of the statewide equity pool dollars. Are you talking, and I am not sure what the total equity adjustment was that OMB had originally done for you, but was that a \$525,000? So for example if your equity pool is \$300,000 but the originally thing that OMB did was \$525,000 but you could take the difference? This isn't the equity pool plus the dollars?

**Kleppe** No, this could only cover the difference since there is some unknown on the equity pool amount.

**Senator Wardner** The tentative agreement is that amount is going to be changed and will go down. This would have been the executive's budgets number.

**Rep. Thoreson** Is this something we are going to start seeing in other agencies also, when we assign equity people will come forward and say we want to do this so we can add more to it? I guess this concerns me.

**Chairman Wardner** I don't know about the other budgets.

**Joe M. OMB.** In that regard, the HP did have this kind of flexibility in their current biennium and they are somewhat unique because they are a program line agency. So, if there are some savings in operations, they do have flexibility without having to go to the emergency commission to move those monies. They are somewhat unique and it is something that has been done in the past for this particular agency.

**Rep. Thoreson** Is this the only agency which does this?

**Joe** There is a few other program line agencies but not very many, most don't have that flexibility. There is a handful such as WSI.

**Rep. Thoreson** I would like to see a listing of the other agencies that can do this/

**Chairman Wardner** We can certainly do that.

**Senator Warner** Mic was off, inaudible—Where do anticipate reaching those savings? We obviously do not want to damage the performance standards of the department. Where do anticipate these savings will be coming from?

**Kleppe** We don't know that there would be any savings other than possibly in the salary area, there would normally be some vacancy dollars that would generate some savings. If they are not significant enough where we feel safe because we do have different things that come up such as demand for additional overtime. We have to be very careful that we don't overextend

any our savings. We need a certain amount of savings available in case we do need some overtime hours. If we were to have savings, it would most likely come out of salaries.

**Senator Warner** The kinds of overtime you put in relative to the flood is somewhat covered by other things in the department of emergency services. But you do have other types of emergencies that are unanticipated.

**Kleppe** That is correct. There are a lot of times that those emergencies don't reach that threshold of a disaster so we do need to have a certain level of funding on standby.

**Chairman Wardner** We will get that list but they do have program budgeting which is nothing new to their budget but is something new for us.

**Rep. Glassheim** If they would get \$525,000 from the salary pool then that would be the limit. Whatever they get from the equity pool up to \$525,000 they could transfer.

**Chairman Wardner** Let's look at item 2, this is based on coming down to .65 cents and what we are saying here is that if the department hits that limit then they will not be going to other line items to take care of their fleet services. When they run out of money they go to the emergency commission, but they don't go to the other line items. Did I explain that correctly?

**Kleppe** Just to clarify on the rate, it is .65? Basically this would end up allowing us to track just those state fleet costs. If those would be exceeded at the .65 cent rate, it would allow the department to request additional funding from the emergency commission about and beyond the .65 cent rate.

**Chairman Wardner** So we are moving down one cent and we are also saying that when they use up that funding they can go to the emergency funding and not dip into their other line items in their budget.

**Rep. Dosch** What happens if the rate stays at .59 cents and there is an additional \$300,000 savings? What happens to that money?



**Kleppe** Because we are program based, in the past it has been an area where we have had some flexibility as well. This biennium is very unusual where there has been significant savings. So, it would allow us to move between lines, in this case, we are thinking there would be very little flexibility because we are feeling that there would not be savings generated from this. There really would be no plans to use anything out of that fund other than what would be billed by the state fleet.

**Rep. Glassheim** What is the 4.84M? What does that represent?

**Kleppe** That would represent the total cost that we would pay the state fleet for our budget cycle. That would be after the reduction of the \$372,000 which is bringing the rate down from the governor's budget down from .70 to .65 cents.

**Rep. Glassheim** The current amount budgeted for the state fleet would be 5.2M or something like that?

**Kleppe** That is correct.

**Rep. Glassheim** So if you spent our revised thing, it would just be there. If you spent less you would have some flexibility with it but it is not likely to be very much and if you go over you are allowed to go to the emergency commission to pay the amount over-budgeted.

**Kleppe** Yes sir.

**Chairman Wardner** The 3<sup>rd</sup> one: we are not adding an FTE we are shifting one. But we are going to need the funding. Captain Kleppe would you explain why there is funding needed and where the FTE is coming from?

**Kleppe** Regarding the conversion that is listed here, there is an existing vacancy in our motor carrier program that is currently funded at 80% federal. This is a non sworn position and we have slowly been switching some of them over to sworn positions over longer periods of time. With this retirement last fall that vacancy was created, this would allow us to add the additional

sworn position as an FTE. But, because of the pay difference between the non-sworn and sworn positions, and the additional equipment that would be needed that would help with the costs additional funds are needed.

**Rep. Dosch** Where is the capitol security being paid out of now?

**Kleppe** It is currently being paid out of our field operations program which is our largest program.

**Rep. Dosch** What is the cost of that capital security now?

**Kleppe** The cost would be approximately \$196,000 as a new trooper position.

**Rep. Dosch** I meant for the current unsworn position that we are paying now, what is the cost of that?

**Kleppe** The actual position that would be converted now would not be a capitol security position, it would be a motor carrier inspection position. 20% of those funds for that position which is somewhere in the 80% range, 20% would be available as state funds and the other part would come out of our federal grant area. The other part would deal with the annual grant from the federal motor carrier assistance program. The department preference would be to not fill that civilian position, but instead convert it to a sworn position.

**Rep. Thoreson** Do you receive any funding for the capitol security from home land security?

**Kleppe** We have received homeland security funding in the past for some infrastructure things, not for personnel, but for things such as updating the alarm system, video monitoring.

Currently we are not receiving any federal funding for personnel.

**Rep. Thoreson** Would there be any opportunity that you are aware of to look at that option, have you looked and been denied?

**Kleppe** We are pretty much ongoing with DES for homeland funding. We do get funding for some of our other operations but a lot of that has dried up over recent years. Nothing specifically is used at this time for capitol security.

**Rep. Dosch** What is the salary of capitol security? What would that position pay? According to this, \$180,000 that is new money that we are already paying and 20% is state funds. But that means we are allocating about \$200,000 for this capitol security position. At \$20.00 an hour for an unsworn position, that's about a \$40-50,000 a year job.

**Kleppe** Our actual existing trooper positions are approximately \$168,000 per biennium. That includes all the operating costs, uniforms, benefits, etc. The difference in a new position is from \$168,000 to \$198,000 because of additional equipment costs for a computer and that type of thing.

**Chairman Wardner** So the additional \$30,000 is to equip them to do their job.

**Rep. Dosch** This is a capitol security position. Will they get a fully equipped car and everything too?

**Kleppe** Yes, this would still be a sworn position. I don't know if they have determined if it would be full time capitol security, they would provide a different kind of security.

**Chairman Wardner** Captain Kleppe, would you make a comment about amend 4 there?

**Kleppe** Just briefly instead of the exchange window, there is a terminology change, it's a housekeeping item.

**Rep. Thoreson** I believe it changes the acronym to CView to CVision, is that correct?

**Kleppe** That is correct.

**Chairman Wardner** We are going to wrap up, there is one other item that is not listed on here and that is the per diem we want to stay at the \$220 but we have cut from the executive budget about \$840,000. We will meet again. Meeting adjourned.

## 2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 2011 Conference Committee

Senate Appropriations Committee

☒ Check here for Conference Committee

Hearing Date: 04-29-09

Recorder Job Number: 12375

Committee Clerk Signature

*Alice DeLuz* *clerk upstans*

Minutes:

**Chairman Wardner** called the conference committee to order on SB 2011 in regards to Highway Patrol. Let the record show that all conferees are present: **Senators: Wardner, Krebsbach, Warner; Representatives: Thoreson, Dosch, Glassheim. Joe Morrisette,** OMB and **Brady Larson**, Legislative Council were also present.

**Chairman Wardner:** We had a kind of a proposal that we were working on, and item #1 we will take off the table. Our leaders made a compact long time ago that we were not aware of. As far as the equity business in number one, we are pulling it off the table. It is not a part of this proposal. Now on #2, the state fleet costs, those are based on 65 cents and if they run short they can go to the emergency commission. Let's start there.

**Representative Dosch:** What we would be agreeable to is as follows; first off, given the current rate of 55 cents and that our proposal of 62 cents, in an effort of compromise, we would be agreeable to 65 cents a mile, however, that any savings on this line item - if anything for the state fleet, and if we are right and their actual costs are less than the 65 cents, then it gets turned back to the general fund. If we are wrong and their costs are higher than 65 cents, then they already have the authority to go to the emergency commission and get some additional dollars. Our position would be 65 cents with any savings turn back to general fund.

**Senator Warner:** In operations, is it called a program line, so we are carving out an exemption to the program line agency portion relative to that costs to the fleet. Would that become permanent law then? What would be the status?

**Joe Morrisette:** Without seeing the language, I would see it that they would still continue their program lines, and have some flexibility within those program lines. They would just be restricted in any savings they would have in their fleet program where those savings could not be used elsewhere within their budget and would have to be turned back. I would view that as a line in specific section probably of legislative intent that would apply to this appropriation.

**Chairman Wardner:** That would be my understanding; that they can't use it anyplace else.

**Brady Larson:** We would agree with that.

**Chairman Wardner:** I do know that the agency has turned their money back and they do tight budgeting.

**Senator Krebsbach:** Has there been return on this line item in the past to the general fund?

**Chairman Wardner:** I am guessing there was, they are having turn back and I am sure that some of it came from this line item. I think our side is ok with that. You may be right Representative Dosch. My hats go off to you guys. Whoever the guy is pushing the numbers behind the scenes, and if that person is right, I am going to recommend they work for the fleet service because they have done a pretty good job. What we are doing is taking that line item and making it a line item and it is not part of the program, is that correct?

**Joe Morrisette:** I would defer to Brady. I would assume they would still have their 3 program lines as it was in the past, and it would just be probably intent language that any saving that they would have relating to their fleet services operation would have to be turned back but not necessarily a specific line within their appropriation bill for that.

**Chairman Wardner:** Any further comments on #2? (No one had any) Then let's move to #3.

**Representative Dosch:** We still feel strongly on this issue; to trade in a civilian for a uniformed officer at a cost in excess of \$180,000 to the state of North Dakota. There haven't been any problems and it has been working in the past. It is probably not absolutely ideal. When we look at saving the taxpayer a couple of hundred thousand dollars every biennium, we just feel that we have to stick to how it is working out today. It is an ongoing expense and our biggest problem right now in closing out this session is the ongoing expenses and this is adding to that problem.

**Chairman Wardner:** If you take a look at what was proposed at the beginning, this budget is less than what was proposed at the beginning.

**Representative Dosch:** I agree with you, but even though it is less, it is still an increase. We are just cutting the increase.

**Chairman Wardner:** I am assuming we are all ok with #4. (He was told yes) In regards to # 5, the per diem we are holding at \$220.

**Representative Dosch:** We talked about it and we are willing to go to \$205. That represents a 20% increase. When you are looking at the total compensation package, 5/5 the insurance, the \$125 increase in life insurance that we are picking up, the equity dollars they will be receiving, plus a 20% increase in per diem. We are talking about somewhere between a 7% and 7.5% raise, that is a 14% to 16% increase this biennium. We are talking about that increase when people are getting laid off. We are being more than fair, more than generous. They are getting more than anyone else. We have to say enough is enough.

**Representative Thoreson:** It does raise it up 20%. I know that there is still the issue that it hasn't been adjusted for around 15 years and we can't let it go that long again. I think \$205 is good.

**Chairman Wardner:** In support of the Highway Patrol and their position. No one was worried about them in 2003 when we didn't have any money. They weren't being greedy then. It is just that we happen to have and for that particular item it isn't a big item. I am sure that they were looking at the fact that there is an opportunity to catch up.

**Senator Krebsbach:** I have a comment on that. I agree with you on the fact of greed. I think what we are looking at here is a competitive edge because we need to keep the people we got. I think that is where the biggest problem is, we are losing good people. The funding you were at \$200 we were at \$220 a fair compromise is \$210.

**Senator Warner:** We need to look at extra comparisons to other states. I think we are still are falling short, and I hope we are moving in the right direction on that. On the issue of health insurance, we need to be careful of making apples to apples comparisons. The 5/5 raise we are giving to all the other state employees also includes the increase on health insurance. I look at the per diem that we ourselves get, we pay ourselves three meals a day and we are offering one meal a day. We have seen some horrific costs and increases on the costs that we pay on our per diem. Meals are more expensive, hotel rates are a constant struggle. I think those are normal costs and we need offer this per diem to our employees. I think \$210 is a good compromise.

**Representative Thoreson:** We are at \$170 right now and the Senate was at \$220, and if you take the midpoint between those two it would \$195. I feel that we have actually gone over midpoint.

**Chairman Wardner:** Their projected per diem is about \$237. From that standpoint the highway patrol undercut what their real costs are. I believe Representative Glassheim did some calculating and his numbers were higher, so when you look at that they weren't being greedy. We made some movement and we appreciate that. The Highway Patrol has given me

some information on what this FTE would do and what some of their jobs are. I ask you to at least look it over. I know we have another conferee from the House doesn't like any information brought in. With all due respect, I'd like you to look it over and we will meet again. I appreciate it. It is two pages. Take a look at that and we will get a meeting scheduled. We are recessed.



## 2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 2011 Conference Committee

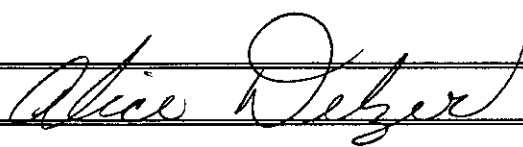
Senate Appropriations Committee

☒ Check here for Conference Committee

Hearing Date: 04-30-09

Recorder Job Number: 12404

Committee Clerk Signature



Minutes:

**Chairman Wardner** called the conference committee to order on BS 2011 in regards to Highway Patrol. Let the record show that all conferees are present: **Senators: Wardner, Krebsbach, Warner; Representatives: Thoreson, Dosch, Glassheim.** Brady Larson, Legislative Council and Joe Morrisette, OMB were present. **(Make note the Chairman did reference the incorrect Senate Bill number. He stated on the record 2012, but the hearing was for 2011.)**

**Chairman Wardner:** After some thought and consideration and taking a look at the big picture. We will talk about our proposal. Handout # 1 - HP Budget cuts from Executive Budget. It is also the Senate's position and the Proposal. He went through the proposal with the committee. When you add that up the total reduction the Senate has backed up in their position is over a million dollars. What are we saying? Hey we have given up a lot. The CVision was put in on your side. That was not a priority on our side. It wasn't even mentioned, it wasn't even discussed and so even though we know that it's a good thing, it does not have the same priority of having another sworn officer as far as capitol security here in the capitol. If you did happen to look at the sheet that they submitted ( Duties and responsibilities of the capitol security position, Handout #2 not just someone hanging around the grounds here. He went through the list of duties of the sworn officer here at the capitol. They do bring

people out of the field to Bismarck which leaves a void out there. Earlier in my comments I made the comment that the HP, they are just like bloodhounds, they seem to pick up these drug runners that come into the state. When we cut off the ability to make meth what happened is that all of a sudden we had an influx of drugs coming in from other parts of the country. They go right down the interstates and the main highways and having the state highway troopers out there makes a difference. They do catch these people carrying large quantities of that and if they are not there they are not going to be able to stop that and for every drug we can keep out of our communities, that's probably a kid we save. That's why this position has a higher priority than CVission. Not that there is anything wrong with CVission. It is a good program and it does provide a service to the commercial sector of the state. We are proposing you take \$100,000 from CVission and add \$80,000 to that, it gets you to the \$180,000 that is needed to fund the reclassification of the department FTE to a sworn officer. When it comes to the amount of dollars that we have cut from the executive budget and from our own position when it was in the Senate is \$952,243.00, just short of a million dollars. We have more than given and negotiated in good faith. This is an offer we will stand by. Any comments? (5.50)

**Representative Thoreson:** We did have the discussion earlier and the position of the House is firm on the FTE. In regards to CVission, while I understand this was not brought up in the first half of the session, we feel it is vitally important for the commercial traffic in our state. We are losing people coming through our state. We feel it is very important to fund that program. It is something we are getting into pretty cheap, otherwise we would have to spend much more money to put in the whole software system but this \$100,000 would allow us to get the pieces to tie into whatever the feds have. It was not talked about the first half and I don't have any information regarding what came over before crossover. I think we're pretty firm in the fact we

think that is a good program. If that is the position of the Senate and the position of the House I am afraid we are at an impasse and we cannot solve this at this time.

**Chairman Wardner:** It is not that we don't think CVisssion is important, but we feel having that officer here and not bring people in from the field is a higher priority as far as we are concerned. We will have one more meeting. I need to check if we can't come to any resolution we will have to dissolve the committee and go from there. I would like to visit with the Chairman of Senate Appropriations before I disqualify my own and make a move like that and see what their position is. I have talked to our leader and he is fine with our stand on this particular thing so we do have our leadership behind us. Committee members, we are in recess until call of the chair.

## 2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. SB 2011 conference committee

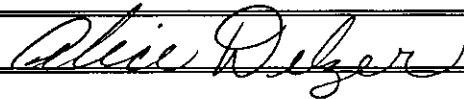
Senate Appropriations Committee

☒ Check here for Conference Committee

Hearing Date: May 1, 2009

Recorder Job Number: 12435 and 12440

Committee Clerk Signature



Minutes:

**Chairman Wardner** called the conference committee to order on BS 2011 at 11: 30 am in regards to Highway Patrol. The minutes are to reflect that all conferees are present: **Senators Wardner, Krebsbach, Warner; Representatives Thoreson, Dosch, and Glassheim.**

**Brady Larson**, Legislative Council and **Joe Morrisette**, OMB was present.

**Chairman Wardner:** Are there any proposals.

**Rep Dosch:** One final proposal before we go back to square one. Upfront and honest, this is where we met with our leader, met with HP briefly and this is what we came up with. 1<sup>st</sup> the per diem, we agree to \$210 agree. The mileage issue – we have tentatively agreed at 65 cents and turn everything back that is not used. Instead we will go to 64 cents and not have to turn that back, give them a pool of several thousand. 3<sup>rd</sup> item no on the FTE and 4<sup>th</sup> keep the CVISN. The biggest benefit to them is the mileage and they can keep their mileage. They wouldn't have to turn this back. That is our proposal. **I move that motion. Seconded by Rep Thoreson.**

**Rep Dosch:** They do have that authority to go to emergency commission if they need the funds.

**Chairman Wardner** asked for a roll call vote on Rep Dosch's amendments. Vote #1.

**A ROLL CALL VOTE WAS TAKEN RESULTING IN WARDNER – NO; KREBSBACH – NO; WARNER – NO; THORESON- YES; DOSCH – YES; GLASSHEIM- NO. THE MOTION FAILED.**

**Senator Krebsbach** (3.32) moved the House recede from their amendments and amend as follows: #1. Not an issue relating to the equity. But we are insisting on the funding of \$180,000 for a sworn officer position that will be reclassified from a non-sworn position in the department, that is #2; and item #3 we will stay with the \$205 in exchange for that sworn officer. #4 funding from the general fund is reduced \$375,000. And #5 this amendment adds \$100,000 of funding for CVISN. (Commercial Vehicle Information Systems and Networks).

**Motion made by Senator Krebsbach and Seconded by Senator Warner .**

**Chairman Wardner:** Couple of comments. The main issue is the officer. We are not increasing any FTE all we are doing is making sure this position is funded taken from another part of the department. The needs they have we think it is in line. When we talk about the HP, it is an agency that is lean and mean, 141 officers, the smallest one in the country, they asked before for 6 we gave them 2, they asked for this before and didn't get them, there are a lot of other places the whole legislature spends that is a lot more foolish than this. This is a real need here.

**Rep Dosch:** For clarification, these amendments #4, regarding the funding the 65 cents, the required turn back would not be part of this. He was told that was correct.

**Chairman Wardner** called for the vote on Senator Krebsbach's amendments. Vote #2.

**A ROLL CALL VOTE WAS TAKEN RESULTING IN WARDNER – YES; KREBSBACH – YES; WARNER – YES; THORESON – NO; DOSCH – NO; GLASSHEIM – YES. THE MOTION FAILED.**

**Rep Glashiem:** I would ask the House members if they are more interested in the turn back if we can't resolve this.

**Chairman Wardner:** That is not the sticking point. We will recess until call of the chair.

**New job number 05-01-09 3:00 pm. Job # 12440**

**Chairman Wardner** called the committee back to order. Let the record show that all conferees are present:

**Chairman Wardner:** At this time the Senate is going to make one adjustment on the proposal this morning. #4 where it says 375, it should be 372,000. I will ask for a motion to adopt these.

**Senator Krebsbach moved to adopt these. Second by Senator Warner.**

**Chairman Wardner:** We will hear the importance of the extra sworn officer. It's not an extra FTE it is just an extra sworn officer.

**Senator Krebsbach:** I requested information as to overtime for the uniformed officers and they also included the civilian security. There are two figures that are outstanding, keep in mind this is from January 9 to February 9, and that is is the 10,000 figure and the 8,000 figure which comprises 19.6 of the 20,000. I think that gives us a pretty good reason as to why we need this uniformed security person within the division.

**RepThoreson:** Shouldn't that be January through April? He was told yes.

**Senator Krebsbach** It is an indication we are paying a lot of overtime when it is clearly showing we need that extra person.

**Senator Wardner** This is during the legislative session but it's not the only time we need that person.

**Rep Thoreson:** I believe that the amount for the FTE is 180,000. If we are taking \$20,000 in overtime, although it is overtime, I feel that is a significant savings and I understand that there are probably other situations where there is overtime necessary but for us to go forward with an additional FTE at \$180,000 where we could cover this with a much lower rate I feel we are irresponsible to the taxpayers. (3.34)

**Senator Wardner:** I challenge that. I don't think it is irresponsible at all. When you're pulling those officers off, and it is not an additional FTE, we are not changing the number of the FTEs in the department. We are simply making sure that this is funded. Right now that individual would be funded 80% from federal money, 20% from the state so we're just asking if they have the funding they can have that security person here all the time making sure that they take care of those needs. It is true that they can get them out of the office, well, those people have responsibilities and duties and sometimes their schedules would not match. When the judicial wing is in session and they have to have people come through, there are other things that they end up doing, for example they do investigations, respond to calls out at the prison, and you never know when those things are going to happen. But just having a presence around the capitol I think is important. Yeah, we've dodged the bullet, the days going to come when we may not be so lucky and because we don't have security here something drastically happened. I don't think having this individual we are talking about is someone we don't need. We are talking about public safety.

**Senator :** Another factor, really look at and consider if you this many people out putting in overtime it is a drain on their life and their family life. To me that is crucial.

**Rep Dosch:** I work in the private sector often times we do 60 hours, I am certainly aware of that, we try and still find time for our family. This is for a 4 month position. It is our position that the FTE is not necessary.

**Chairman Wardner** We think we should pass this out and take it up on the floor and find out if it flies. If it fails, then we know then we are fine. We take it up first, then you to our floor, and If you defeat the conference committee report and it comes back down, we take that out. Any other discussion on this motion? It is the same one we had this morning, It removes the state employee salary equity adjustment, it funds 180,000 for the sworn officer position that would be reclassified from a nonsworn, increases the officer per diem, it reduces the \$220 to the \$205, the funding from the general fund is \$372,000, not 375,000, still leaves the \$100,000 funding for the CVISN in. The one comment I would like to make, when you talk about the growth of government, this agency is not. If you want to see growth of government you get on budgets of Higher Ed, Human Services, Health Department they all deal with public safety and regulations too, but there is at least money to cut out of those budgets. Here is bare bones basically. Call the roll for us to adopt the amendments on the proposal before us.(8.32) Vote # 3.

**A ROLL CALL VOTE WASTAKEN RESULTING IN WARDNER – YES, KREBSBACH –YES, WARNER – YES; GLASSHEIM – YES; DOSCH – NO; THORESON- NO. IT FAILED.**

Do you guys have a counter proposal.

**Rep Dosch Moved the counter proposal #4. Seconded by Rep Thoreson.** I move the House amend. It is self explanatory Number 1 is a removal of state employee salary equity adjustments. Since we keep talking about the governor's budget when the HP submitted their budget they subtracted out 9 FTEs and when they submitted that to the governor, and if they figure they can get by without 9 FTEs as they submitted it we will take them up on that offer. Increase in per diem (10%) from \$170 to \$187. Mileage rate .59 cents, current rate is 55 cents so we are above that and also add in the CVISN dollars. That is our proposal and I move them.



**Chairman Wardner:** This is a slap in the face to the organization. We are talking about the executive budget not about something we have presented before hand in this committee.

**Rep Dosch,** It is from the executive budget. We can verify they submitted the budget. They reduced it by 9 FTE's. That's a matter of record and we are corresponding to what they put forward.

**Chairman Wardner** I am sure there was a reason, and I don't know where you got this.

**Rep Thoreson:** The 9 FTEs was in the original proposal and we understand there was a change on that. I guess maybe this was done, I don't want to say it's a slap in the face, just rather done out of frustration.

**Chairman Wardner:** We are frustrated too. I've been very good to you guys.

**Rep Thoreson:** We understand that and I guess there comes a time we have to say we've done our work and cannot come to a resolution. We have been giving our side, we voted on it twice, both times. We were not able to carry that. I did second this for purposes of discussion. I am not sure I am going to support this motion.

**Chairman Wardner:** I have one area to comment on and that is #4 the mileage. We laid out three different scenarios here that I think were much common sense. It's not only the persons in the House that can figure these things out.

**RepThoreson:** We did agree on 65 cents with turn back and then there was a change in that agreement. I was hopeful we were coming to some agreement and apparently that was not the case. Again this is put forward as a discussion purpose.

**ChairmanWardner:** We were all ok with 65.

**Rep Thoreson:** But we were all in agreement that there would be turn back the amount that was not necessary and then we were told in a conversation after that was agreed on that in this room that that was no longer on the table. So I guess that's why we changed our position.

**Chairman Wardner:** And you also took away the fact that they would not be able to protect that line item and so when it is gone they could go to the emergency commission, now they have to use from a different line item.

**RepThoreson:** Earlier today there was a very fair proposal, 64 cents with turn back and that was voted down so that is where we are at.

**ChairmanWardner:** Also add the FTE reclassification in too. If we were to pass this and you take it up and we kill it on the Senate floor, if it is killed, would you be agreeable to go with our proposal.

**RepThoreson:** We need to discuss this with our leadership.

**Chairman Wardner:** We will take a vote on this and we will meet tomorrow. We probably will take a proposal up and test it. If the Senate passes it , fine, if not we will be back. Take the roll on the proposal by the House members. Vote #4.

**A ROLL CALL VOTE WAS TAKEN RESULTING IN KREBSBACH – NO; WARNER- YES; WARDNER NO; DOSCH –YES, THORESON – NO; GLASSHEIM – NO. THE MOTION FAILED.**

**Chairman Wardner:** We will have a proposal ready tomorrow and we will take a look at taking it up on the Senate floor. We are adjourned.

## 2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 2011 Conference Commtee

Senate Appropriations Committee

☒ Check here for Conference Committee

Hearing Date: 05-02-09

Recorder Job Number: 12455

Committee Clerk Signature



Minutes:

**Chairman Wardner** called the conference committee to order on SB 2011 at 10:30 am in regards to HP. Let the record show that all conferees are present: **Senators: Wardner, Krebsbach, Warner; Representatives: Thoreson, Dosch, Glassheim. Joe Morrisette, OMB and Brady Larson, Legislative Council were also present.**

**Chairman Wardner:** Do you have a proposal we can take up to the Senate floor? Brady will draft the amendments and on the floor by 1:00 p.m. today.

**Rep Thoreson:** What we can propose we can do 64 cents a mile, keep the money, no turn back; on the per diem - \$200.00, and rather than doing an FTE adding additional time for security in the capitol, I would propose the amount of 60,000 and also include the funding for the CVISN. **I move this motion. Seconded by Rep Dosch.**

**Senator Warner:** made comments regarding the overtime role.

**Chairman Wardner:** we are not adding an FTE. They have the freedom to reclassify their FTE's. Any other comments. Before we vote, I want you to know we are going to take it up to the floor. We are going to let the Senate decide. The item is the money. If we had \$100,000 that would take care of that.

**RepThoreson:** Could we have a minute. He was told yes. (6.43)

**Rep Glassheim:** I wonder if we couldn't go to 80,000 give a little more comfort for the Senate and have a little more comfort level for the House.

**Chairman Wardner:** Lets continue the discussion. It is not about winning or losing. We picked that number because we thought this is what was needed. It amounts about a half time appropriation. I tell you what, if you will go with 90,000 we are done.

**Rep Thoreson:** We will agree to that. We will further amend the amendment.

**Chairman Wardner:** We will have to have two votes. One will be a voice vote.

**Rep Thoreson:** I further amend our amend to 90,000 for manpower. Seconded by Rep Glassheim.

**Chairman Wardner:** called for a voice vote and it passed We have a proposal that would have \$90,000 for manpower, per diem at \$200 per month for each officer, the funding for fleet service at 64 cents, we have the equity thing settled and the CVISN is left in. Brady will put that language in the amendment.

**Rep Thoreson:** I believe the motion would be that the House recedes from their amendment and further amend. .

**Chairman Wardner:** Call the roll for the proposal we have before us.

**A ROLL CALL VOTE WAS TAKEN RESULTING IN 6 YES, 0 NAYS, 0 ABSENT. SENATOR WARDNER WILL CARRY THE BILL.**

**Chairman Wardner:** I just want all you conferees to know that we will bring it to the Senate floor and I will support this amendment. Thank-you and we are adjourned.

VOTE 1  
5-1-09  
AM

#2011  
Rep Dooch

move - 2nd

- 1) \$210 per diem
- 2) mileage - 64¢ do not turn funding back
- 3) No FTE for sworn officer position
- 4) Keep C-Vision

# 1st Vote

Rep Dorsch Amend  
Failed

REPORT OF CONFERENCE COMMITTEE  
(ACCEDE/RECEDE)

Bill Number SB 2011 (, as (re)engrossed):

Date: May 1, 2009 AM

Your Conference Committee Senate Appropriations

For the Senate:

attends  
5/1

YES / NO

For the House:

attends  
5/1

Vote Vote  
YES / NO

Wardner	✓		✓	Thoreson	✓	✓	
Krebsbach	✓		✓	Dorsch	✓	✓	
Warner	✓		✓	Glassheim	✓		✓

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

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

\_\_\_\_\_, and place \_\_\_\_\_ on the Seventh order.

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

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

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

DATE: \_\_\_\_\_

CARRIER: \_\_\_\_\_

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

MOTION MADE BY: \_\_\_\_\_

SECONDED BY: \_\_\_\_\_

VOTE COUNT    YES    NO    ABSENT

*Vote #2 Kruback's  
proposal.  
5-1-09 AM*

**SB 2011**

**HIGHWAY PATROL BUDGET**

House recede from their amendments and amend as follows:

1. Remove state employee salary equity adjustment.
2. Funding of \$180,000 for a sworn officer position that will be reclassified from a non-sworn position in the department.
3. Increase for officer per diem is reduced \$15 per month \$220 to \$205 per month.
4. Funding from the general fund is reduced \$375,000.
5. This amendment adds \$100,000 of funding for CVISN.

(Commercial Vehicle Information Systems and Networks)

# REPORT OF CONFERENCE COMMITTEE (ACCEDE/RECEDE)

#2 <sup>Vote</sup> Kruback's motion failed

Bill Number 2011 (, as (re)engrossed):

Date: 5-1-09 AM

Your Conference Committee Senate Appropriations

For the Senate:

For the House:

YES / NO			YES / NO		
Wardner	✓		Thoreson		✓
Krebs	✓		Dock		✓
Warner	✓		Glasheen	✓	

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

the (Senate/House) amendments on (SJ/HJ) page(s) \_\_\_\_\_

\_\_\_\_, and place \_\_\_\_\_ on the Seventh order.

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

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

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

DATE: \_\_\_\_\_

CARRIER: \_\_\_\_\_

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

MOTION MADE BY: \_\_\_\_\_

SECONDED BY: \_\_\_\_\_

VOTE COUNT    YES    NO    ABSENT



*Vote #2 Kruback's  
proposal.  
5-1-09 AM  
PM -3:00  
Vote #3*

**SB 2011**

**HIGHWAY PATROL BUDGET**

House recede from their amendments and amend as follows:

1. Remove state employee salary equity adjustment.
2. Funding of \$180,000 for a sworn officer position that will be reclassified from a non-sworn position in the department.
3. Increase for officer per diem is reduced \$15 per month \$220 to \$205 per month.
4. Funding from the general fund is reduced \$375,000.
5. This amendment adds \$100,000 of funding for CVISN.

(Commercial Vehicle Information Systems and Networks)

Vote #3

Krubsack proposal  
1st on as morning vote.  
faded

REPORT OF CONFERENCE COMMITTEE  
(ACCEDE/RECEDE)

Bill Number 2011 (, as (re)engrossed):

Date: 5/1/09

Your Conference Committee Senate appropriations

3:00 pm

For the Senate:

For the House:

	5/1 YES / NO				5/1 YES / NO		
Wardner	✓	✓		Thoreson	✓		✓
Krubsack	✓	✓		Dosch	✓		✓
Warner	✓	✓		Glassheim	✓	✓	

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

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

\_\_\_\_\_ and place \_\_\_\_\_ on the Seventh order.

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

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

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

DATE: \_\_\_\_\_

CARRIER: \_\_\_\_\_

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

MOTION MADE BY: \_\_\_\_\_

SECONDED BY: \_\_\_\_\_

VOTE COUNT    YES    NO    ABSENT

SB 2011  
HIGHWAY PATROL BUDGET  
HOUSE PROPOSED AMENDMENTS  
May 1, 2009

Vote #

Dosch  
proposal

(K4)

3 p.m.  
hearing  
5-1-09

- ✓ 1. Removal of state employee salary equity adjustments
- 2. Removal of 9 FTE's (As presented originally to the Governor)
- 3. Increase per diem from \$170 to \$187 (10% increase)
- 4. Mileage rate .59 cents (to equal the highest rate paid during \$4 gas)
- ✓ 5. Add for cVision. Amendments

(JAS)

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

*Vote #4*  
*Dosch motion failed.*  
*5/1/09*

Bill Number 2011 (, as (re)engrossed):

Date:

Your Conference Committee Senate appropriations

3pm

For the Senate:

For the House:

YES / NO			YES / NO		
<i>Wardner</i>		<input checked="" type="checkbox"/>	<i>Dosch</i>	<input checked="" type="checkbox"/>	
<i>Krebsbach</i>		<input checked="" type="checkbox"/>	<i>Thoreson</i>		<input checked="" type="checkbox"/>
<i>Wainer</i>	<input checked="" type="checkbox"/>		<i>Glashier</i>		<input checked="" type="checkbox"/>

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

the (Senate/House) amendments on (SJ/HJ) page(s) \_\_\_\_\_

\_\_\_\_\_, and place \_\_\_\_\_ on the Seventh order.

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

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

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

DATE: \_\_\_\_\_

CARRIER: \_\_\_\_\_

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

MOTION MADE BY: \_\_\_\_\_

SECONDED BY: \_\_\_\_\_

VOTE COUNT    YES    NO    ABSENT

PROPOSED AMENDMENTS TO SENATE BILL NO. 2011

That the House recede from its amendments as printed on pages 1247 and 1248 of the Senate Journal and pages 1179-1180 of the House Journal and that Senate Bill No. 2011 be amended as follows:

Page 1, line 1, after "patrol" insert "; and to provide a statement of legislative intent"

Page 1, line 11, replace "4,344,774" with "3,079,356" and replace "38,643,772" with "37,378,354"

Page 1, line 14, replace "4,901,605" with "3,636,187" and replace "43,167,133" with "41,901,715"

Page 1, line 16, replace "5,220,080" with "3,954,662" and replace "32,273,403" with "31,007,985"

Page 1, line 17, replace "3.00" with "1.00" and replace "196.00" with "194.00"

Page 2, after line 2, insert:

"Commercial vehicle information exchange window system	0	100,000"
--	---	----------

Page 2, line 4, replace "180,000" with "280,000"

Page 2, line 20, replace "\$220" with "\$200"

Page 2, after line 25, insert:

**"SECTION 6. LEGISLATIVE INTENT - AUTOMATED PERMITS.** It is the intent of the sixty-first legislative assembly that the highway patrol proceed with implementation of the commercial vehicle information exchange window system and with preparations to allow for the automated issuance of highway permits.

**SECTION 7. COMMERCIAL VEHICLE INFORMATION EXCHANGE WINDOW SYSTEMS AND NETWORKS - USE OF FUNDING - BUDGET SECTION REPORT.** The administration line item in section 1 of this Act includes \$100,000 from the general fund for the commercial vehicle information systems and networks. Any funds designated for the implementation of the system that are not used for this purpose may not be spent for other purposes and must be included in the agency's unspent general fund appropriation authority for the biennium beginning July 1, 2009, and ending June 30, 2011. The highway patrol shall report semiannually to the budget section regarding the status of implementation of this system and on the use of these funds."

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT - LC 98030.0103 FN 1**

**A copy of the statement of purpose of amendment is attached.**

**STATEMENT OF PURPOSE OF AMENDMENT:****Senate Bill No. 2011 - Highway Patrol - Conference Committee Action**

	Executive Budget	Senate Version	Conference Committee Changes	Conference Committee Version	House Version	Comparison to House
Administration	\$2,926,419	\$2,926,419		\$2,926,419	\$3,018,439	(\$92,020)
Field operations	38,643,772	38,643,772	(1,265,418)	37,378,354	37,047,154	331,200
Law enforcement training academy	1,496,942	1,496,942		1,496,942	1,494,122	2,820
Deferred maintenance	100,000	100,000		100,000	100,000	
Total all funds	\$43,167,133	\$43,167,133	(\$1,265,418)	\$41,901,715	\$41,659,715	\$242,000
Less estimated income	10,893,730	10,893,730	0	10,893,730	10,893,730	0
General fund	\$32,273,403	\$32,273,403	(\$1,265,418)	\$31,007,985	\$30,765,985	\$242,000
FTE	196.00	196.00	(2.00)	194.00	194.00	0.00

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

	Removes Salary Equity Funding <sup>1</sup>	Removes New Capitol Security FTE Positions <sup>2</sup>	Reduces Funding for Officer Per Diem <sup>3</sup>	Reduces Operating Expenses Funding <sup>4</sup>	Adds Funding for CVIEW System <sup>5</sup>	Adds Funding for Capitol Security Needs <sup>6</sup>
Administration						
Field operations	(\$25,000)	(415,218)	(67,200)	(448,000)	100,000	90,000
Law enforcement training academy						
Deferred maintenance						
Total all funds	(\$525,000)	(\$415,218)	(\$67,200)	(\$448,000)	\$100,000	\$90,000
Less estimated income	0	0	0	0	0	0
General fund	(\$525,000)	(\$415,218)	(\$67,200)	(\$448,000)	\$100,000	\$90,000
FTE	0.00	(2.00)	0.00	0.00	0.00	0.00

	Total Conference Committee Changes
Administration	
Field operations	(1,265,418)
Law enforcement training academy	
Deferred maintenance	
Total all funds	(\$1,265,418)
Less estimated income	0
General fund	(\$1,265,418)
FTE	(2.00)

<sup>1</sup> This amendment removes funding added in the executive budget for state employee salary equity adjustments, the same as the House version.

<sup>2</sup> Funding of \$415,218 from the general fund for 2 new FTE Capitol security positions and related operating expenses added in the executive budget is removed. These positions were also removed in the House version.

<sup>3</sup> The increase for officer per diem is reduced by \$20 per month, from \$220 to \$200 per month. The current rate is \$170 per month. This is the same amount of funding that was reduced for officer per diem in the House version.

<sup>4</sup> Funding from the general fund for operating expenses is reduced by \$448,000. The House version had removed \$600,000 of funding for operating expenses.

<sup>5</sup> This amendment adds \$100,000 of funding from the general fund to begin the implementation of the commercial vehicle information exchange window system. This is the same amount provided in the House version.

<sup>6</sup> This amendment provides a general fund appropriation of \$90,000 for Capitol grounds security staffing needs.

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A section is also added to provide legislative intent regarding the implementation of the commercial vehicle exchange window system and an automated vehicle permit system. This section was also added in the House version.

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

*Amendment as  
proposed by  
Rep Thoreson  
further Amend*

Bill Number 2011 (, as (re)engrossed):

Date: 5-2-09

Your Conference Committee Senate Appropriations

For the Senate:

For the House:

5/2 YES / NO			5/2 YES / NO		
Wardner	✓	✓	Thoreson	✓	✓
Krebsbach		✓	Doeck	✓	✓
Warner	✓		Glassheim	✓	✓

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

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

\_\_\_\_, and place \_\_\_\_\_ on the Seventh order.

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

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

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

DATE: 5-1-09

CARRIER: Wardner

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

MOTION MADE BY: Thoreson

SECONDED BY: Glassheim

VOTE COUNT 6 YES    NO    ABSENT



**REPORT OF CONFERENCE COMMITTEE**

**SB 2011:** Your conference committee (Sens. Wardner, Krebsbach, Warner and Reps. Thoreson, Dosch, Glassheim) recommends that the **HOUSE RECEDE** from the House amendments on SJ pages 1247-1248, adopt amendments as follows, and place SB 2011 on the Seventh order:

That the House recede from its amendments as printed on pages 1247 and 1248 of the Senate Journal and pages 1179-1180 of the House Journal and that Senate Bill No. 2011 be amended as follows:

Page 1, line 1, after "patrol" insert "; and to provide a statement of legislative intent"

Page 1, line 11, replace "4,344,774" with "3,079,356" and replace "38,643,772" with "37,378,354"

Page 1, line 14, replace "4,901,605" with "3,636,187" and replace "43,167,133" with "41,901,715"

Page 1, line 16, replace "5,220,080" with "3,954,662" and replace "32,273,403" with "31,007,985"

Page 1, line 17, replace "3.00" with "1.00" and replace "196.00" with "194.00"

Page 2, after line 2, insert:

"Commercial vehicle information exchange window system                      0                      100,000"

Page 2, line 4, replace "180,000" with "280,000"

Page 2, line 20, replace "\$220" with "\$200"

Page 2, after line 25, insert:

**"SECTION 6. LEGISLATIVE INTENT - AUTOMATED PERMITS.** It is the intent of the sixty-first legislative assembly that the highway patrol proceed with implementation of the commercial vehicle information exchange window system and with preparations to allow for the automated issuance of highway permits.

**SECTION 7. COMMERCIAL VEHICLE INFORMATION EXCHANGE WINDOW SYSTEMS AND NETWORKS - USE OF FUNDING - BUDGET SECTION REPORT.** The administration line item in section 1 of this Act includes \$100,000 from the general fund for the commercial vehicle information systems and networks. Any funds designated for the implementation of the system that are not used for this purpose may not be spent for other purposes and must be included in the agency's unspent general fund appropriation authority for the biennium beginning July 1, 2009, and ending June 30, 2011. The highway patrol shall report semiannually to the budget section regarding the status of implementation of this system and on the use of these funds."

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT - LC 98030.0103 FN 1**

A copy of the statement of purpose of amendment is on file in the Legislative Council Office.

SB 2011 was placed on the Seventh order of business on the calendar.

# State Fleet Services

April 25, 2009

1

## Situation #1

Operating Costs	<u>Cost</u>
a. Gasoline [75¢ per gal. increase]	0.06
b. Parts and Repair Costs	0.03
Depreciation	0.0278
Replacement Rate	0.05
Total	0.1678
Current Rate	0.55
Projected Rate	0.7178

## Situation #2

Operating Costs	<u>Cost</u>
a. Gasoline [50¢ per gal. increase]	0.04
b. Parts and Repair Costs	0.025
Depreciation	0.0278
Replacement Rate	0.05
Total	0.1428
Current Rate	0.55
Projected Rate	0.6928

## Situation #3

Operating Costs	<u>Cost</u>
a. Gasoline [25¢ per gal. increase]	0.02
b. Parts and Repair Costs	0.02
Depreciation	0.0278
Replacement Rate	0.05
Total	0.1178
Current Rate	0.55
Projected Rate	0.6678

alliance  
Times inflation (170.0x)  
Rate for each 1.023=  
year 1997- 173.91\*  
2001 173.91x  
1.015=  
176.51865\*

Rep Glassheim 1  
April 27, 2009

176.51865x  
1.022=  
180.4020603\*

180.4020603x  
1.034=  
186.53573035\*

186.53573035x  
1.028=  
191.758730799\*

191.758730799x  
1.016=  
194.826870491\*

194.826870491x  
1.023=  
199.307888512\*

199.307888512x  
1.027=  
204.689201501\*

204.689201501x  
1.034=  
211.648634352\*

211.648634352x  
1.032=  
218.421390651\*

218.421390651x  
1.028=  
224.537189589\*

224.537189589x  
1.043=  
234.192288741\*

234.192288741x  
1.018=  
238.407749938\*

238.407749938x  
1.021=  
243.414312686\*

243.414312686x  
1.011=  
246.091870125\*

0.0

0.0

subsidized 0.0  
~~each~~ 12  
state an 3.91+  
average 6.51+  
7 10.4+  
459 a 16.53+  
year for 21.75+  
15 years 24.82+  
on inflation 29.3+  
54.53+  
64.19+  
68.4+  
73.41+  
76.09+  
=  
574.58\*  
574.58x  
12.0=  
6,894.96\*  
6,894.96÷  
15.0=  
459.664\*

0.0

0.0

Conf com  
# 1  
4/28/09  
by  
Wardner.

1. Regarding equity funding, include a Statement of Purpose amendment to allow the Highway Patrol to spend savings from within the 2009-11 biennium budget for providing salary equity adjustments. This funding would be in addition to the agency's share of any statewide salary equity pool. The agency could spend up to \$525,000 in total salary equity adjustments for the 2009-11 biennium.
2. Based on conference committee action to reduce operating expenses by \$372,000 (for State Fleet costs), please consider a Statement of Purpose amendment to allow the Highway Patrol to request additional funding from the Emergency Commission if State Fleet operating costs exceed \$4,840,000.
3. In lieu of the requested capitol security FTE, \$180,000 in state funding would provide for the conversion of one civilian inspector FTE to one sworn officer FTE.
4. Amend SB2011 Section 7 as follows:

**SECTION 7. COMMERCIAL VEHICLE INFORMATION ~~EXCHANGE-WINDOW~~  
SYSTEMS AND NETWORKS - USE OF FUNDING - BUDGET SECTION REPORT.**

The administration line item in section 1 of this Act includes \$100,000 from the general fund for the commercial vehicle information ~~exchange-window~~ systems and networks. Any funds designated for the implementation of the system that are not used for this purpose may not be spent for other purposes and must be included in the agency's unspent general fund appropriation authority for the biennium beginning July 1, 2009, and ending June 30, 2011. The highway patrol shall report semiannually to the budget section regarding the status of implementation of this system and on the use of these funds.

4/30/09

2011  
4/29/09  
Conf Com

The duties and responsibilities of the capitol security position has changed:

Our agency has the responsibility to investigate on facilities owned and leased by the state, a changed that occurred legislatively over the past few years

We now have the responsibility of managing the key card access system, a responsibility that transferred to us from facility management

Demands for investigation has changed significantly, let me give you some examples:

We respond to all complaints within the capitol complex

We respond to the state penitentiary for criminal investigations

We respond to MRCC

We respond to the juvenile facility in Mandan

We respond to the Northbrook Mall

We recently completed investigations for Job service and WSI, time consuming investigations that took an officer off the road for significant periods of time

We respond to the James River Correctional Center

These types of scenarios require a sworn uniform officer

Powers of arrest

Mirandizing

Conducting Investigations

The agency responsibilities in providing overall security and investigations has changed

I do not have the manpower to continue taking resources off the road

Relying on headquarters staff to respond is misleading.

On any given day we try to have one sworn position in our office

Management positions have other lanes of responsibilities

Our current civilian capitol security positions (the white shirts) cover the facility when it is unoccupied and they monitor the cameras 24/7. They do an excellent job in their assignments, however, If an event occurs that requires response by a sworn position, i.e. the Governors' mansion, a trooper is dispatched as per protocol.

Given the open access we have within the capitol, I feel having a sworn highway patrol presence is the proactive approach. If a major incident were to occur within the complex, would we be criticized more for not having assigned personnel? I believe we would

Public Safety through Quality Service, it's not just a slogan

We take this seriously within the agency, and I feel that the sworn position we are asking for helps us in accomplishing this Vision.

Senate Bill ~~2012~~ 2011  
Conference Committee

①  
4/30/09

Conf  
Comm

HP Budget Cuts From Executive Budget  
Senate

Equity

$$\$525,000 \times 33\% = \$174,825$$

Mileage (Fleet Service)

$$70¢ \rightarrow 65¢ = 375,000$$

$$2 \text{ FTE's} = 415,218$$

$$\text{Per Diem } \$170 - \$200 = 67,200$$

$$\text{Total Reduction } \$1,032,243$$

Proposal

Take \$100,000 from CVission - 100,000

Add \$80,000 - 80,000

Fund The reclassification of \$180,000  
a department FTE to Sworn Officer.

Senates total reduction from The Executive Budget.

$$\begin{array}{r} 1,032,243 \\ - 80,000 \\ \hline \$952,243 \end{array}$$

2009 TESTIMONY

SB 2011

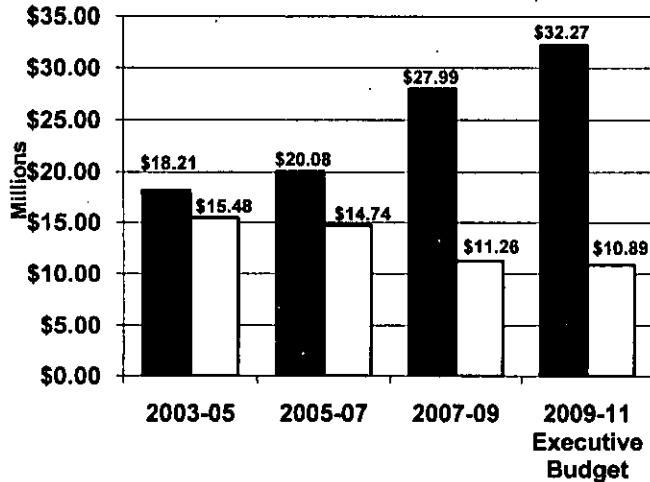


**Department 504 - Highway Patrol**  
**Senate Bill No. 2011**

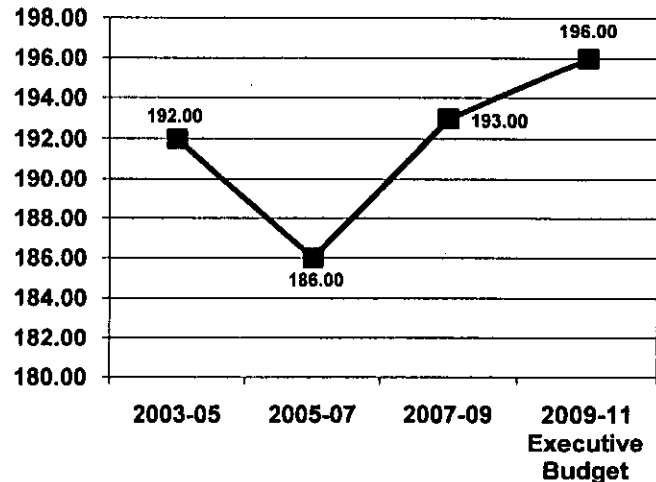
	FTE Positions	General Fund	Other Funds	Total
2009-11 Executive Budget	196.00	\$32,273,403	\$10,893,730	\$43,167,133
2007-09 Legislative Appropriations	193.00	27,991,922	11,262,634	39,254,556 <sup>1</sup>
Increase (Decrease)	3.00	\$4,281,481	(\$368,904)	\$3,912,577

<sup>1</sup>The 2007-09 appropriation amounts include \$147,028, \$96,599 of which is from the general fund, for the agency's share of the \$10 million funding pool appropriated to the Office of Management and Budget for special market equity adjustments for classified employees.

**Agency Funding**



**FTE Positions**



■ General Fund □ Other Funds

**Ongoing and One-Time General Fund Appropriations**

	Ongoing General Fund Appropriation	One-Time General Fund Appropriation	Total General Fund Appropriation
2009-11 Executive Budget	\$32,093,403	\$180,000	\$32,273,403
2007-09 Legislative Appropriations	27,149,922	842,000	27,991,922
Increase (Decrease)	\$4,943,481	(\$662,000)	\$4,281,481

**First House Action**

The Senate did not change the executive budget recommendation for the Highway Patrol. Attached is a summary of first house changes.

**Executive Budget Highlights**

	General Fund	Other Funds	Total
1. Provides funding of \$525,000 to address salary equity issues, including \$25,000 for the related second-year salary increase	\$525,000		\$525,000
2. Provides <b>one-time</b> funding for Capitol security upgrades (\$80,000) and weigh station repairs (\$100,000)	\$180,000		\$180,000
3. Adds 2 additional FTE Capitol security positions (\$264,882) and related operating expenses (\$150,336)	\$415,218		\$415,218
4. Adds 1 FTE permit technician position	\$91,798		\$91,798
5. Provides funding for increased cellular card usage	\$148,000	\$22,000	\$170,000
6. Increases the officer per diem from \$170 per month to \$220 per month	\$168,000		\$168,000
7. Increases funding from the general fund and highway tax distribution fund for motor pool costs	\$556,247	\$203,753	\$760,000

8. Removes one-time funding provided for the 2007-09 biennium (\$842,000) (\$842,000)  
for in-car video equipment (\$642,000), Capitol security software  
(\$50,000), and automated external defibrillators (\$150,000)

#### **Other Sections in Bill**

Section 3 provides the Highway Patrol with the authority to transfer funds from the deferred maintenance line item to address extraordinary repair needs.

Section 4 provides for \$4,550,725 of special funds from the highway tax distribution fund to be used for Highway Patrol operations.

Section 5 provides for an increase in Highway Patrol officer per diem from \$170 per month to \$220 per month for the 2009-11 biennium.

#### **Continuing Appropriations**

**Highway Patrol assets forfeiture fund** - North Dakota Century Code Section 39-03-18 - Deposits of funds obtained from forfeiture proceedings.

#### **Major Related Legislation**

**House Bill No. 1233** - This bill removes federal shared forfeiture proceedings from the types of forfeitures deposited in the Highway Patrol assets forfeiture fund.

ATTACH:1

**STATEMENT OF PURPOSE OF AMENDMENT:****Senate Bill No. 2011 - Funding Summary**

	<b>Executive Budget</b>	<b>Senate Changes</b>	<b>Senate Version</b>
Highway Patrol			
Administration	\$2,926,419		\$2,926,419
Field operations	38,643,772		38,643,772
Law enforcement training academy	1,496,942		1,496,942
Deferred maintenance	<u>100,000</u>		<u>100,000</u>
Total all funds	\$43,167,133	\$0	\$43,167,133
Less estimated income	<u>10,893,730</u>	<u>0</u>	<u>10,893,730</u>
General fund	\$32,273,403	\$0	\$32,273,403
FTE	196.00	0.00	196.00
Bill Total			
Total all funds	\$43,167,133	\$0	\$43,167,133
Less estimated income	<u>10,893,730</u>	<u>0</u>	<u>10,893,730</u>
General fund	\$32,273,403	\$0	\$32,273,403
FTE	196.00	0.00	196.00

**Senate Bill No. 2011 - Highway Patrol - Senate Action**

The Senate did not change the executive recommendation for the Highway Patrol.

**House Appropriations Committee  
SB 2011 – Highway Patrol Appropriations  
Submitted by  
Mark Nelson, North Dakota Highway Patrol**

February 26, 2009

**Introduction**

Good morning, Mr. Chairman and members of the House Transportation Committee for Government Operations. My name is Mark Nelson and I am currently serving as the Superintendent of the North Dakota Highway Patrol. I am honored to be in front of you today as I represent the 191 men and women who are the very foundation of the finest law enforcement agency in the country.

**Staff Introductions**

As our agency prepares for our 75<sup>th</sup> Anniversary in 2010, one reflects on the many changes that have occurred since 1935. I have been a witness to many of these changes that have taken place, from equipment, to training, to the very policies and procedures we have today within the organization.

Likewise, many troopers have come and gone during my 28 year tenure with the agency, but the one constant that has always remained is the core values that we as an agency have established and endured over the course of time: Pride, Integrity, Loyalty, Accountability, Respect, and Commitment – core values that we live by each and every day that we put on this uniform.

Our mission is simple – we strive to make a difference every day by providing high quality law enforcement services to keep North Dakota safe and secure. Public safety through quality service – the citizens of North Dakota have come to expect this from our troopers and I am proud to say that our troopers are focused on this mission.

We attempt to gain voluntary compliance of traffic laws through both public education and high visibility patrols. An exciting new program that we have partnered in with the North Dakota Safety Council is the 'Alive at 25' program. This program targets youth ages 14-24 on the consequences of making poor decisions. A second program, called 'We Need to Talk' addresses the issues associated with senior drivers in North Dakota. By visiting with loved ones, troopers discuss ways to speak with their parents on their decision to continue, limit, or cease their driving. These two programs are new to our agency and address two age groups that are of great concern when it comes to traffic safety.

We continue to focus our patrol efforts on those crash causation factors that are key contributors to the injuries and fatalities that are occurring within the state. DUI, speed, and seatbelt enforcement remain a high priority in our effort to save lives.

In addition, right of way violations remain as one of the top causation factors in our North Dakota crashes. In an effort to bring attention to the issue, we began a program called "Roll through Life-Not Intersections" in mid 2008. While we are in the infancy stages of this program, we are confident we can make a difference. Through educational and enforcement efforts we will continue to strive to impact and save more lives of the citizens that we swore an oath to serve and protect.

Attachment 2011.2.26.09B

I am extremely proud of the manner in which my people approach their duties. Their professionalism and dedication to making a difference, and their strong belief that how they do their jobs can make a difference, is the attitude that is shared among our employees.

Let me give you two recent examples:

With bad weather, icy roads, multiple crashes and reports of cars in the ditch, the southeast region of the state from December 31st through January 4<sup>th</sup> continued to focus on serving the public and protecting our citizens.

When it would have been just as easy to say that with road conditions the way they were it was not feasible to do any patrol work, the troopers assigned to this region accomplished the following:

23 DUI arrests

9 MICs

7 misdemeanor drug charges

6 open containers

4 driving under suspensions

1 loaded firearm in a motor vehicle

1 terrorizing

1 no insurance

Covered 25 crashes

And handled 104 calls for service for abandoned vehicles and highway assists

My second example involves the blizzard that hit the state in mid December. Knowing the storm was inevitable; troopers who were scheduled for days off were called by supervisors to see if they would volunteer to remain on call if needed to assist. Overwhelmingly the response was yes; and in many cases, the troopers initiated the call to volunteer.

These are just two of the examples that are indicative of the work ethic and commitment to public safety that my troopers display each day that they patrol our roadways. We are not your typical state employees. We are called upon to work nights, weekends, and holidays. We are not allowed snow days, and when situations are at their worst, we are at our best, doing what has become the reputation of the North Dakota Highway Patrol – service.

When troopers finish their 8 hour work day, their obligation to the citizens of this state is not finished. Troopers must remain 'on call' to respond to reports of crashes, DUI drivers, weather emergencies, and other calls for service in their areas.

We put ourselves in harm's way to protect the citizens we serve, and through it all we continue to treat the public with respect and professionalism. Recently, Justice Kapsner addressed our graduating recruit class in Bismarck. She relayed to the class that in her ten years on the bench and seeing numerous written and video cases involving the North Dakota Highway Patrol, she had only one word to describe the Patrol—Professionalism.

Our commitment to assisting other local agencies is strong as we continue to provide our resources to assist in response to emergency situations such as searching for missing persons and apprehension of criminals through the use of our canine units. Our Emergency Response Team members (24) assigned throughout the state are able to respond immediately to requests such as the search for the murder suspect near Drake, responding to the tornado disaster that hit Northwood, and many other examples.

Through the use of Homeland Security monies, we recently equipped our department aircraft with a FLIR (forward looking infra-red) system that will be used for searches, special enforcement operations, support for local fire fighters, storm patrol, and more. I would like to show a video that will demonstrate our FLIR system capabilities and the quality of our in-car digital camera technology that was appropriated during the 2007-09 biennium.

### **[Video]**

My planned testimony today will focus on an overview of our agency, an overview of the 2005-2007 appropriation, the 2007-09 appropriation, our agency's 2009-11 budget request to include the major variances, and an overview of our optional adjustment requests.

### **Overview of our agency**

Our agency is currently authorized 191 FTE positions; of these, 140 are sworn positions and 51 civilian positions. The North Dakota Highway Patrol is responsible for maintaining the safety of our citizens as they travel the state's 70,000 square miles and over 7,000 miles of highway.

We are divided into four regions: the Northwest region which encompasses the Minot and Williston areas, the Northeast region which encompasses the Devils Lake and Grand Forks areas, the Southeast region which encompasses the Fargo and Jamestown areas, and the Southwest region which encompasses the Bismarck and Dickinson areas (counties included in each region can be found on page 2 of our multi-year plan).

Within each region, troopers are assigned strategically to provide for the best law enforcement services available from our agency. Factors such as response time and calls for service weigh heavily into our post assignments. Currently, we have 41 troopers living in rural post locations that are providing vital services to our rural citizens and communities in which they live.

Our agency's philosophy regarding high visibility and coverage remains a priority. We recognize the need to provide public safety services to all our citizens regardless if they are located in our urban or rural areas.

I have included a copy of our agency's 2008-2012 multi-year plan for your review which addresses our future goals for improving our efficiency and effectiveness as an agency. While I do not plan on covering the document in detail today, I would be more than willing to discuss our plans if you should have any questions in the future.

### **Appropriations Review and Request**

The following chart represents a snapshot of our overall budget requests to include the 05-07 biennium, the 07-09 biennium, and the executive recommendation for the 09-11 biennium.

If you look at the increases to our budgets over the years, over 95 percent of the state-fund increases from the 05-07 budget to the 07-09 budget was attributed to salary and motor pool increases, and the increases proposed for the 09-11 executive budget recommendation includes 90 percent of the state-fund increases attributed to salary and motor pool costs.

Overall, in both our current and proposed budgets, over 83 percent of the appropriated funds we receive are directed towards salaries and motor pool costs. We have always maintained that

our agency is truly a service oriented agency that consists primarily of personnel and cars. Our goal remains to provide a high visibility presence on our roadways with our appropriated funding dedicated towards that goal.

	<b>2005-2007 Department Expenses</b>	<b>2007-2009 Current Budget</b>	<b>2009-20011 Executive Recommendation</b>
State	\$27,333,172	\$32,226,136	\$36,824,128
Federal	\$4,984,446	\$7,028,420	\$6,343,005
Total	\$32,317,618	\$39,254,556	\$43,167,133

At this time it appears that our agency will be turning back approximately \$250,000 to the general fund from the 07-09 appropriation. This figure is subject to change given the potential for overtime expenditures due to winter storms, flooding, or other emergency situations that may occur prior to June 30<sup>th</sup>.

**Budget changes – One-time project costs for current biennium ('07-'09)**

1. Digital In-car Video – \$642,000 has been expended to complete replacement of older VHS systems with digital based in-car video technology. The Panasonic Arbitrator systems include ruggedized solid state technology which significantly reduces maintenance concerns. The recordings are routinely downloaded to servers on the state network and are backed up daily. Encryption and other security measures help maintain the integrity of the system.
2. Automatic External Defibrillators (AEDs) – \$150,000 was allocated and spent to purchase 81 AED units to include heated cases. The units have been issued to all troopers assigned to the rural outposts and to some troopers based out of the eight regional offices.
3. Evidence Tracking Software – approximately \$66,000 was expended on software to improve evidence tracking. Maintaining the chain of custody of evidence is extremely important as is the timely disposal of evidence after cases have been adjudicated. This project has removed much of the manual record keeping and allows for a more efficient control of all evidentiary items.
4. Security Integration – \$50,000 is being used to integrate the Capitol building's security and mechanical automation systems. Phase I will be accomplished later this spring and includes purchasing software and hardware to upgrade the card access system. A software interface to the building's air handling and lighting controls is also planned to improve capabilities of the security command center.

**Budget changes – overview of increases in base budget for '09-'11**

1. State Fleet Rate – a \$760,000 increase is based on a six cent per mile rate increase in vehicle costs. The DOT budgeted rate is projected to average 70 cents per mile for the patrol vehicle fleet which includes operating, depreciation, and replacement costs.
2. Data Processing – increases include \$80,000 for additional T-1 circuits for the regional offices. With the implementation of digital video in the patrol vehicles, the additional network traffic has created the need for additional bandwidth. Also included is \$76,000 in ITD rate increases and \$74,000 for other IT infrastructure.

3. Telecommunications – \$170,000 is planned for wireless broadband data access through the use of cellular cards for the patrol vehicle mobile data laptops. \$82,000 is requested for additional cellular phone service to expand cell phone assignments to all state troopers.
4. Facility Lease Rates – One area in our base budget that I would like to briefly address is in the area of our current and projected lease rates. The Highway Patrol currently leases eight regional office locations across the state along with additional space in Bismarck for our headquarters location, our permits section located in the DOT building, three storage unit facilities on the Capitol grounds, and one additional storage location in Mandan. Many of our office locations are leased from the private sector and our agency is being charged commercial lease rates applicable for each particular area.

Our agency is being charged lease rates for access to other spaces such as shooting ranges so that our officers can meet the minimum training requirements to maintain proficiency with their weapons.

For example, two days of utilizing the National Guard range facility at Devils Lake for pistol and long gun training results in a \$1,300 charge, the regional training center in Fargo charges \$100/hour for the use of their range facility, and in Bismarck we are currently being charged \$250 per day for the use of their indoor range facility for the basic and NDHP academy recruit classes.

Significant increases in our overall lease rates are occurring for a number of reasons. First, inflationary pressure is causing lease rates to rise on an annual basis which has a direct impact on our budget. Second, many of our Highway Patrol offices that were located in government-owned buildings were forced to relocate due to the expansion and need for additional space by the original government agency.

These office relocations have significantly impacted our budget due to the cost differences between the government entity's previous lease rates versus the current commercial rates. Our four regional offices located in Minot, Devils Lake, Grand Forks, and Bismarck have all been affected by these relocation costs.

Our agency's preference is to partner with other law enforcement agencies when possible. Being co-located provides multiple law enforcement services to our citizens from one location, it improves the coordination that is needed between our agency and local law enforcement, and it provides for better communication within the law enforcement community when agencies are meeting on a daily basis.

We are currently located in law enforcement centers in Jamestown, the recently opened facility in Williston, and we are partnering with Cass County for an addition to be added to their current jail facility.

Providing quality law enforcement services to our citizens of North Dakota remains a top priority within the Patrol, and strengthening partnerships between all law enforcement agencies will help North Dakota to maintain its reputation as one of the safest states in the nation.



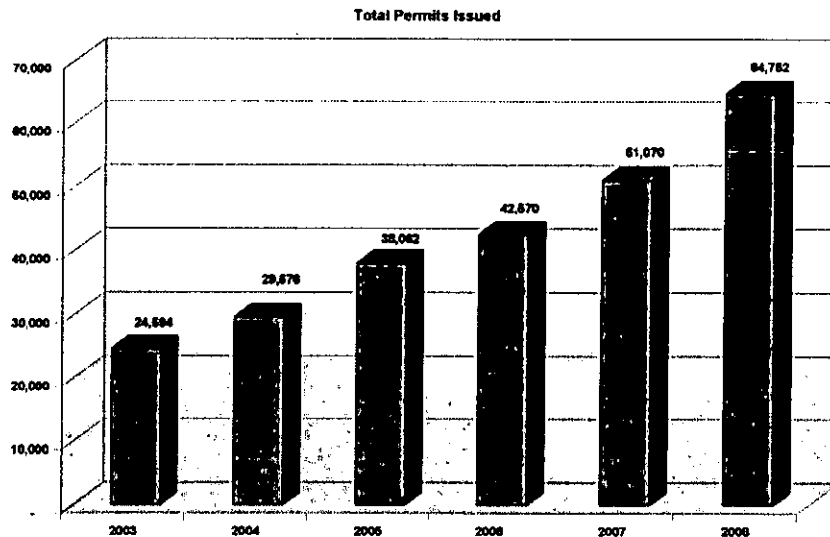
## Optional Adjustment Requests

### Permit Staffing

The North Dakota Highway Patrol is responsible for the issuance of all oversize and overweight permits within North Dakota. Our permit section is located in the NDDOT building adjacent to the Capitol. The permit section currently has one full-time supervisor, three permanent permit technicians, and one temporary full-time permit technician.

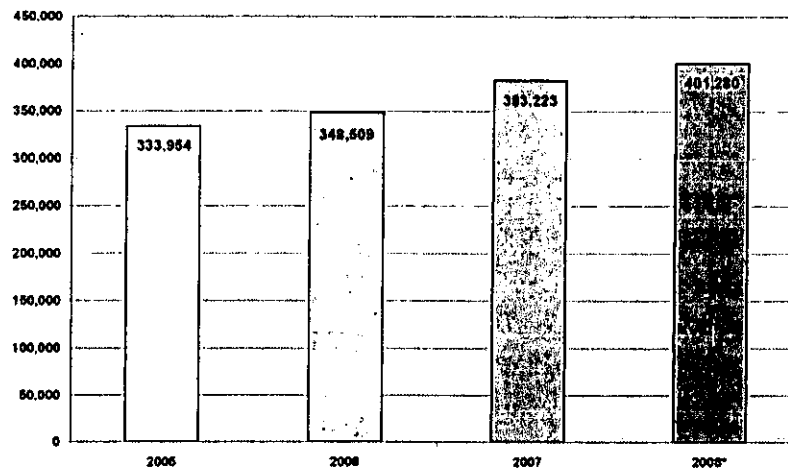
During the period from 2001-03, we saw a significant increase in single trip permits when the number of permits increased by 53 percent. In response to this increase, we added a fourth full-time permanent FTE position to the permit section in August of 2003.

The demand for permits during 2007 and 2008 has continued to increase dramatically from the trucking industry. Single trip permits issued in 2008 will have more than doubled since 2003, and the number of excessive weight permits issued has increased by 374 percent during the same time frame.



Oil production and related traffic has increased and is expected to continue to increase. Wind tower production and the movement of wind tower components have continued to rise as well. Additional pipelines are being installed throughout the state requiring the movement of heavy equipment related to these projects. All of this activity is amid a rise in overall truck traffic travelling through North Dakota. At the Canadian ports of entry, we are continuing to see a steady increase of trucks entering the state with nearly 1,100 trucks daily crossing our international borders.

Trucks Entering North Dakota  
Thru Canadian Ports of Entry



While this has been great news for North Dakota, requests for permits during 2007-08 exceeded our ability to manage the work demand effectively. Customers were being placed on hold for extended periods of time before a permit technician was available to issue the permit needed.

In response to this growing demand, we hired one full-time temporary FTE to assist with the workload. While the demand continues to be high, the addition of this temporary position has helped immensely.

We are asking that this temporary full-time FTE position be converted to a permanent full-time FTE position as supported in the executive budget. In doing so, our permit section will continue to provide the necessary services to meet growing industry demands.

### Capitol Security

Current capitol security needs have raised concerns about the capability of the civilian security staff to adequately provide security and other related security functions in an effective and safe manner.

Security incidents, Supreme Court security, and implied possible threats to the Capitol employees solidify the need for sworn personnel at the Capitol Complex.

Some of the incidents occurring on the capitol grounds during the past year have included an unruly individual at the Drivers License Division, an unruly subject at the Heritage Center, a request for removal of an individual from the Governor's office, a threat received by the PSC office relating to oil pipelines, and the latest involving a letter received at the Governor's office containing a white powdery substance. These are only a few of the incidents that we have recently responded to.

While the civilian staff functions well in the command center setting, they are limited in their response to situations based on their lack of training and equipment, and their lack of authority to arrest or detain individuals who pose a possible threat.

We have made significant strides to correct equipment and training issues; however, the more serious issue is the lack of authority among our civilian security personnel. These limitations place our security response at a disadvantage when a sworn officer is not readily available to respond.

We are requesting two additional sworn FTEs to perform the duties of Capitol Security. With the addition of these two trooper positions, we will be better able to provide for a uniform presence during normal business hours when the Capitol Complex is occupied and open for business. Our plans would include having a uniform position typically available from 6:00 a.m. to 6:00 p.m. on Monday through Friday, during all special events and always when the Supreme Court is in session.

After-hour response would be handled by our civilian staff located in the command center. If a trooper response is necessary after hours, the command center would follow established protocol to request that a trooper respond accordingly.

In addition, we are also requesting that the Capitol grounds security camera system be upgraded to provide the potential to integrate with the door card access and building automation systems.

This upgrade will provide for a more robust security system and will modernize our current video equipment. The \$80,000 appropriation would include the costs associated for an additional work station, multi-channel video interface, monitor replacements, additional hard disk storage, and installation within the command center. This proposed upgrade is Phase Two of the initial project started during the 2007-09 biennium.

These new security advancements will give our agency the capability of securing the premises with the push of a button. For example, if someone is spotted by capitol security shaking a powdery substance in front of an outside cold air intake, security would be able to lock the doors and shut down the ventilation systems immediately to prevent the possible spread of a harmful substance, all from the controls at the command center.

Advancements in security equipment and sworn personnel presence at the Capitol are an investment with a return that provides safety and ensures a quality of life for those who work and visit the Capitol complex.

### **Employee Compensation**

Our agency continues to experience three vital personnel issues that raise concerns and must be addressed. Those three areas are hiring qualified candidates to fill the role of a state trooper, retaining employees once they are hired, and getting highly qualified employees to accept promotions.

The North Dakota Highway Patrol has always had the reputation of hiring the choicest candidates available within the state and providing for the best training. Our 24 week academy course is second to none and produces some of the finest men and women officers that are trained to fulfill the duties of a state trooper.

Over the past years, recruitment of these choice candidates has become much more competitive. During our last hiring process, three of the top five candidates withdrew their applications to join the Patrol for two reasons – they chose instead to accept positions with other agencies or they were not willing to relocate to a rural post location that was being offered.

Our agency is unique when compared to other law enforcement agencies. First, our troopers typically begin their careers in the rural outposts. Challenges immediately present themselves when spouses who are also seeking professional employment must commute to the larger cities to find career opportunities that may not be available in the rural setting. With many local agencies exceeding our pay, many of our most qualified applicants are choosing to go elsewhere.

The decisions of these top candidates not to accept employment with the Highway Patrol can be significant to our agency and to the state. Our troopers are required to make split second decisions when in the field; and unlike your larger police agencies that have supervisors available on scene routinely, decisions by our troopers are typically made based on their training and judgment skills, with minimal supervisor presence available at the time.

Given the very nature of our job and the potential impact our decisions may have, not only on our agency, but on the State as well, it is imperative that we are recruiting the best candidates for the North Dakota Highway Patrol.

The Highway Patrol places a high emphasis on education and we give preference to hiring candidates with a four-year degree. Currently, 75 percent of our troopers have a bachelor degree or higher, and another five troopers are enrolled in courses at this time. Hiring candidates who possess a bachelor degree is significant in that they are more mature, they have developed their decision making skills, and they are better able to perform on their own with minimal supervision – all traits that are absolutely essential in performing the duties of a state trooper.

But the hiring of the candidates is only the first step. During the past two years we have lost eight troopers to local entities, federal organizations, and others; a trend that is continuing more now than ever before. Hiring and training a trooper has significant costs, and retention of these valuable employees is becoming more of an issue.

The third vital area of concern involves our promotional process. Having your best people in key positions is vital to the success of any organization and the Patrol is no different. During the past two years we have made ten promotions to sergeants.

Of these ten promotions, eighteen calls were made to the top candidates on the promotion list who turned the promotional opportunity down. Why? They were unwilling to move for the minimal pay increase.

Once again, we are unique from other law enforcement agencies when it comes to promotional opportunities. When a police department or sheriff's department makes a promotion, the selected candidate changes offices and other than their assigned duties and responsibilities in their new position, little else changes.

When a trooper accepts a promotion, it typically requires a move – troopers must uproot their families, spouses must look for another job, children must relocate to new schools, and they must sell their homes. In return, we try to insure that a minimum of a \$300 per month pay raise can be offered.

Promising candidates who represent the very future of our department are no longer accepting promotional opportunities, and this is a concern that needs to be addressed at all levels within our organization.

Our agency conducted a pay study in 2008 that included our agency and the three largest law enforcement agencies in North Dakota. Our agency is the largest with 140 sworn positions, Fargo Police Department with 131 sworn, Bismarck Police Department with 90 sworn, and Grand Forks Police Department with 79 sworn. These three agencies used for comparison were selected based on their size and they are not necessarily the highest paid.

What we found is that our salary levels have fallen well behind these other agencies. In the executive budget, Governor Hoeven has supported a \$500,000 equity pay plan to help address our concerns when it comes to the hiring, retention, and promotion of personnel within the North Dakota Highway Patrol. The equity pay plan supported by the Governor significantly helps to provide salary adjustments at all levels within the agency.

During the past two Legislative Sessions, we have asked for and received equity pay increases for our troopers and sergeants, and while this has allowed us to become more competitive with other law enforcement agencies within the state, more needs to be done. If we are granted the \$500,000 equity pay plan within our budget, the majority of the funding will once again go to the troopers and sergeants with the remainder of salary adjustments going towards lieutenants, captains, division commanders, and major.

Our goal in the distribution of this proposed equity pay plan will be to address pay spreads between the top ranks in all pay grades within the organization. In doing so, we will address the compression issues that have occurred between pay grades, we address both the recruitment and retention of personnel, and we address the promotional issues that are occurring within the agency.

#### **Weigh/Inspection Station Facility Maintenance**

We are seeking an appropriation of \$100,000 to maintain and upgrade the six weigh/inspection station facilities that are located at Williston, Joliette, West Fargo, Mooreton, Bowman, and Beach. These buildings are crucial to our overall commercial motor vehicle safety programs.

While the full-time employees are no longer staffing these facilities, they are being utilized routinely for both weight enforcement purposes and for the completion of driver/vehicle safety inspections by our troopers, motor carrier troopers, border inspection teams, and MCSAP personnel.

Protecting our state's infrastructure has been identified within our agency as a priority goal. Through the use of weigh-in-motion technology, portable scales and permanent fixed locations, we are able to best provide for this protection.

The six facilities would be upgraded to include the interiors, flooring, and minor remodeling. Exterior maintenance would include new siding, window replacements, and roof repair as needed. In addition, some of the platform scales are in need of repair.

#### **Per Diem Increase**

We are seeking to increase the monthly per diem rate that our sworn personnel receive due to inflationary increases that have occurred since our last increase in 1997. The two primary costs that are associated with this request are meal costs and dry cleaning expenses of issued uniforms.

In 2005, state per diem rates (excluding the Patrol's rates) were increased by 25 percent to adjust for inflationary costs. Likewise, the cost of maintaining uniforms has risen as well. Troopers on average require two uniforms per week to be dry-cleaned. Average costs associated with dry-cleaning can vary depending on area, but statewide the costs have increased.

The additional \$50 per month represents an approximate increase of 29 percent from our current per diem rate of \$170.

## **Conclusion**

Mr. Chairman and members of the committee, the mission of the North Dakota Highway Patrol is really quite simple: We must do everything that we can to protect and save lives in North Dakota.

Our agency initiatives will continue to focus on DUI drivers, seatbelt enforcement, and right of way crashes. Losing more than 100 citizens a year in car crashes is unacceptable, and our focus must remain clear and our efforts strong if we are to make a difference.

With the support of the citizens of this state, and through the legislative process, our agency has been well taken care of over the years, and for that I am truly thankful.

The North Dakota Highway Patrol is one of the premier law enforcement agencies in the country. And while our troopers are among the best trained and best equipped of any law enforcement agency, we have something else that sets us apart – our reputation.

The North Dakota Highway Patrol has the respect of our citizens. This respect was not given to us because we wear a badge and a gun, it was earned because of the caring, the compassion, and the genuine concern that our troopers demonstrate each and every day to the citizens they serve.

We have a saying in the Patrol that has stuck with me for years, "We treat people like ladies and gentlemen, not necessarily because they are, but because we are."

Mr. Chairman and members of the committee, our budget request that includes additional FTEs and equity pay did not come without careful consideration for the needs of the agency and for the services that we are expected to provide.

I want to thank you for the support that has been shown to this agency over the years and for the considerations given to this budget request.

Mr. Chairman, that concludes my prepared testimony and I would be happy to answer any questions.

**Senate Appropriations Committee  
SB 2011 – Highway Patrol Appropriations  
Submitted by  
Mark Nelson, North Dakota Highway Patrol**

**Introduction**

Good afternoon, Mr. Chairman and members of the Senate Appropriations Committee. My name is Mark Nelson and I am currently serving as the Superintendent of the North Dakota Highway Patrol. I am honored to be in front of you today as I represent the 191 men and women who are the foundation of the finest law enforcement agency in the country.

As our agency prepares for our 75<sup>th</sup> Anniversary in 2010, one reflects on the many changes that have occurred since 1935. I have been a part of the many changes that have taken place, from equipment, to training, to the very policies and procedures we have today within the organization. And with the changes, our agency has grown and adjusted appropriately to the times.

Many troopers have come and gone during my 28 year tenure with the agency, but the one constant that has always remained is the core values that we as an agency have established and endured over the course of this time: Pride, Integrity, Loyalty, Accountability, Respect, and Commitment – values that we live by each and every day that we put on this uniform.

Our mission is simple – we strive to make a difference every day by providing high quality law enforcement services to keep North Dakota safe and secure. Public safety through quality service – the citizens of North Dakota have come to expect this from our troopers and I am proud to say that our troopers are focused on this mission.

We attempt to gain voluntary compliance of traffic laws through both public education and high visibility patrols. An exciting new program that we have partnered in with the North Dakota Safety Council is the Alive at 25 program. This program targets youth ages 14-24 on the consequences of making poor decisions. Troopers are trained statewide to provide the instruction to our youth.

We continue to focus our efforts on those crash causation factors that are key contributors to the injuries and fatalities that are occurring within the state. DUI, speed, and seatbelt enforcement remain a high priority in this effort to save lives.

Right of way violations remain as one of the top causation factors in our North Dakota crashes. In an effort to bring attention to the issue, we began a program called "Roll through Life-Not Intersections" in mid 2008. While we are in the infancy stages of this program, we are confident we can make a difference. Through educational and enforcement efforts we will continue to strive to impact and save more lives of the citizens that we swore an oath to serve and protect.

I am extremely proud of the manner in which my people approach their duties. Their professionalism and dedication to making a difference, and their strong belief that how they do their jobs can make a difference, is the attitude that is shared among our employees.

Let me give you two recent examples:

With bad weather, icy roads, multiple crashes and reports of cars in the ditch, the southeast region of the state from December 31st through January 4<sup>th</sup> continued to focus on serving the public and protecting our citizens.

When it would have been just as easy to say that with road conditions the way they were it was not feasible to do any patrol work, the troopers assigned to this region accomplished the following:

- 23 DUIs
- 9 MICs
- 7 misdemeanor drug charges
- 6 open containers
- 4 driving under suspensions
- 1 loaded firearm in a motor vehicle
- 1 terrorizing
- 1 no insurance
- Covered 25 crashes
- And handled 104 calls for service for abandoned vehicles and highway assists

My second example involves the blizzard that hit the state in mid December. Knowing the storm was inevitable, troopers who were scheduled for days off were called by supervisors to see if they would volunteer to remain on call if needed to assist. Overwhelmingly the response was yes; and in many cases, the troopers initiated the call to volunteer.

These are just two of the examples that are indicative of the work ethic and commitment to public safety that my troopers display each day they patrol our roadways. We are not your typical state employees. We are called upon to work nights, weekends, and holidays. We are not allowed snow days, and when road conditions are at their worst, we are at our best, doing what has become the reputation of the North Dakota Highway Patrol – service. We put ourselves in harm's way to protect the citizens we serve; and through it all, we continue to treat the public with respect and professionalism.

We continue to offer our resources to assist other local agencies in response to emergency situations such as searching for missing persons and apprehension of criminals through the use of our canines and canine handlers. Our 24 Emergency Response Team members assigned throughout the state are able to respond immediately to requests such as the search for the murder suspect near Drake, responding to the tornado disaster that hit Northwood, and many others.

We have equipped the department aircraft with a FLIR (forward looking infra-red) system that will be used for searches, special enforcement operations, support for local fire fighters, storm patrol, and more. I would like to show a video that will demonstrate our FLIR system capabilities and the quality of our in-car digital camera technology that was appropriated during the 2007-09 biennium.

#### **[Video]**

My planned testimony today will focus on an overview of our agency, an overview of the 2007-09 appropriation, our agency's 2009-11 budget request to include the major variances, and an overview of our optional adjustment requests.



## **Overview of our agency**

Our agency is currently authorized 191 FTE positions, of these, 140 are sworn positions, and 51 civilian positions. The North Dakota Highway Patrol is responsible for maintaining the safety of our citizens as they travel the state's 70,000 square miles and 7,382 miles of highway.

We are divided into four regions: the Northwest region which encompasses the Minot and Williston areas, the Northeast region which encompasses the Devils Lake and Grand Forks areas, the Southeast region which encompasses the Fargo and Jamestown areas, and the Southwest region which encompasses the Bismarck and Dickinson areas (counties included in each region can be found on page 2 of our multi-year plan).

Within each region, troopers are assigned strategically to provide for the best law enforcement services available from our agency. Factors such as response time and calls for service weigh heavily into our post assignments. Currently, we have 41 troopers living in rural post locations that are providing vital services to our rural citizens and communities in which they live.

Our agency's philosophy regarding high visibility and coverage remains a priority. We recognize the need to provide public safety services to all our citizens regardless if they are located in our urban or rural areas.

I have included a copy of our agency's 2008-2012 multi-year plan for your review. While I do not plan on covering the document in detail, if you should have any questions regarding the plan, please feel free to contact me.

## **Appropriations Review and Request**

### **Budget changes – project costs for current biennium ('07-'09)**

1. Digital In-car Video – \$642,000 has been expended to complete replacement of older VHS systems with digital based in-car video technology. The Panasonic Arbitrator systems include ruggedized solid state technology which significantly reduces maintenance concerns. The recordings are routinely downloaded to servers on the state network and are backed up daily. Encryption and other security measures help maintain the integrity of the system.
2. Automatic External Defibrillators (AEDs) – \$150,000 was spent to purchase 81 AED units with heated cases. The units have been issued to all troopers assigned to the rural outposts and some troopers based out of the eight regional offices. We should be obtaining a very good evaluation of the effectiveness of the heated cases with this tough winter season we are experiencing.
3. Evidence Tracking Software – approximately \$66,000 was expended on software to improve evidence tracking. Maintaining the chain of custody of evidence is extremely important as well as timely disposal of evidence after cases have concluded. This project has removed much of the manual record keeping and allows for a more efficient control of all evidentiary items.
4. Security Integration – \$50,000 is being used to integrate the Capitol building's security and mechanical automation systems. Phase I will be accomplished later this spring and includes purchasing software and hardware to upgrade the card access system. A software interface

to the building's air handling and lighting controls is also planned to improve capabilities of the security command center.

### **Budget changes – overview of increases in base budget for '09-'11**

1. State Fleet Rate – a \$760,000 increase is based on a six cent per mile rate increase in vehicle costs. The DOT budgeted rate is projected to average 70 cents per mile for the patrol vehicle fleet which includes operating, depreciation, and replacement costs.
2. Data Processing – increases include \$80,000 for additional T-1 circuits for the regional offices. With the implementation of digital video in the patrol vehicles, the additional network traffic has created the need for additional bandwidth. Also included is \$76,000 in ITD rate increases and \$74,000 for other IT infrastructure.
3. Telecommunications – \$170,000 is planned for wireless broadband data access through the use of cellular cards for the patrol vehicle mobile data laptops. \$82,000 is requested for additional cellular phone service to expand cell phone assignments to all state troopers.

### **Facility Lease Rates**

One area in our base budget that I would like to briefly address is in the area of our current and projected lease rates. The Highway Patrol currently leases eight regional office locations across the state along with additional space in Bismarck for our headquarters location, our permits section located in the DOT building, three storage unit facilities on the Capitol grounds, and one additional storage location in Mandan. Many of our office locations are leased from the private sector and our agency is being charged commercial lease rates applicable for each particular area.

Our agency is also charged lease rates for access to other spaces such as shooting ranges so that our officers can meet the minimum training requirements to maintain proficiency with their weapons. The combination of these additional charges at face value may seem minimal, but they add up quickly.

For example, two days of utilizing the National Guard range facility at Devils Lake for pistol and long gun training results in a \$1,300 charge, the regional training center in Fargo charges \$100/hour for the use of their range facility, and in Bismarck we are currently being charged \$250 per day for the use of their indoor range facility for the basic and NDHP academy recruit classes.

Significant increases in our overall lease rates have occurred for a number of reasons. First, inflationary pressure is causing lease rates to rise on an annual basis which has a direct impact on our budget. Second, many of our Highway Patrol offices that were located in other government-owned buildings were forced to relocate due to the expansion and need for additional space by the original government agency.

These office relocations have significantly impacted our budget due to the cost differences between a government entity's previous lease rates versus the current commercial rates. Our four regional offices located in Minot, Devils Lake, Grand Forks, and Bismarck have all been affected by these relocation costs.

Our agency's preference is to partner with other law enforcement agencies when possible. Being co-located provides multiple law enforcement services to our citizens from one location, it improves the coordination that is needed between our agency and local law enforcement, and it

provides for better communication within the law enforcement community when agencies are meeting on a daily basis.

We are currently located in law enforcement centers in Jamestown, the recently opened facility in Williston, and we are partnering with Cass County for an addition to be added to their current jail facility.

Providing quality law enforcement service to our citizens of North Dakota remains a top priority within the Patrol, and strengthening partnerships between all law enforcement agencies will help North Dakota to maintain its reputation as one of the safest states in the nation.

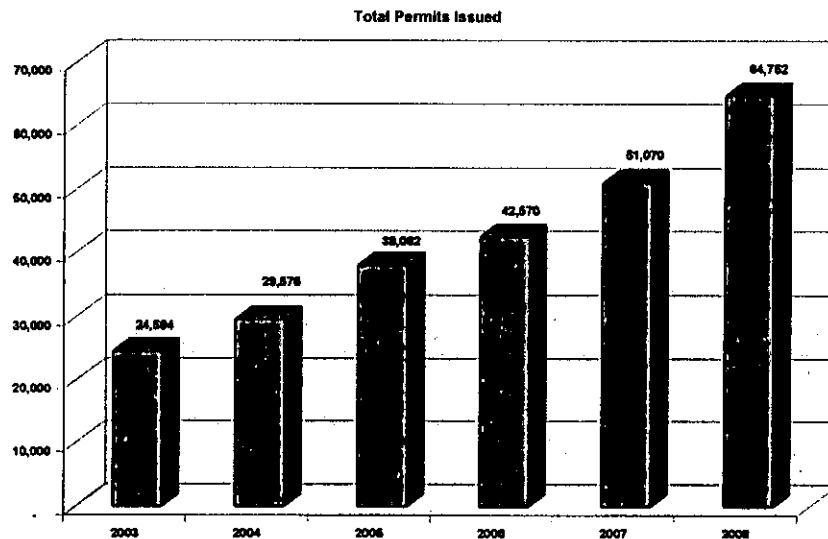
### Optional Adjustment Requests

#### Permit Staffing

The North Dakota Highway Patrol is responsible for the issuance of all oversize and overweight permits within North Dakota. Our permit section is located in the NDDOT building adjacent to the Capitol. The permit section currently has one full-time supervisor, three permanent permit technicians, and one temporary full-time permit technician.

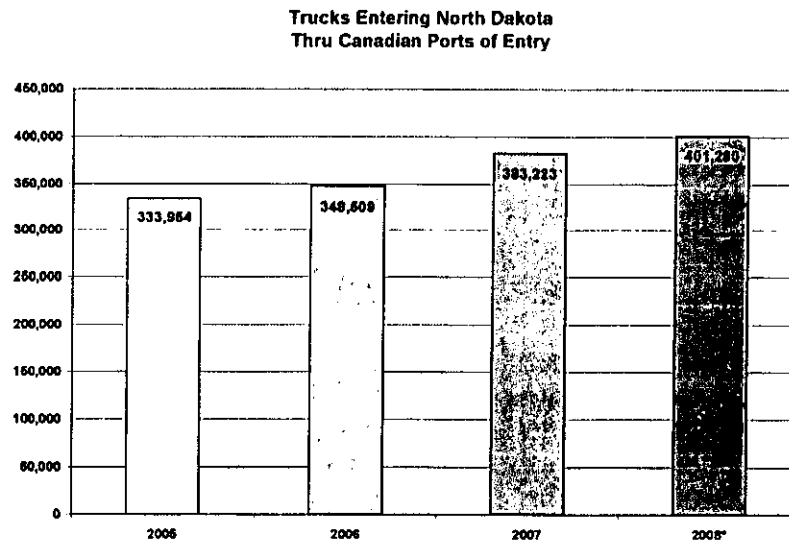
During the period from 2001-03, we saw a significant increase in single trip permits when the number of permits increased by 53 percent. In response to this increase, we added a fourth full-time permanent FTE position to the permit section in August of 2003.

The demand for permits during 2007 and 2008 has continued to increase dramatically from the trucking industry. Single trip permits issued in 2008 will have more than doubled since 2003, and the number of excessive weight permits issued has increased by 374 percent during the same time frame.



Oil production and related traffic has increased and is expected to continue to increase. Wind tower production and the movement of wind tower components have continued to rise as well. Additional pipelines are being installed throughout the state requiring the movement of heavy equipment related to these projects. All of this activity is amid a rise in overall truck traffic travelling through North Dakota. At the Canadian ports of entry we are continuing to see a

steady increase of trucks entering the state with over 1,000 trucks daily crossing our international borders.



\*2008 data for the first nine months is actual numbers of trucks crossing the ports. October - December truck numbers are based on the average of the previous nine months. They have an average of 33,440 trucks crossing per month.

Requests for permits during 2007-08 exceeded our ability to manage the work demand effectively. Customers were being placed on hold for extended periods of time before a permit technician was available to issue the permit needed. In response to this growing demand, we hired one full-time temporary FTE to assist with the workload. While the demand continues to be high, the addition of this temporary position has helped immensely.

We are asking that this temporary full-time FTE position be converted to a permanent full-time FTE as supported in the executive budget. In doing so, our permit section will be better able to provide the necessary services to meet industry demands.

### **Capitol Security**

Current capitol security needs have raised concerns about the capability of the civilian security staff to adequately provide security and other related security functions in an effective and safe manner.

Security incidents and implied possible threats to the Capitol employees solidify the need for sworn personnel at the Capitol Complex. Examples of some of the incidents during the past year include: an unruly individual at the Drivers License Division, an unruly subject at the Heritage Center, a request for removal of an individual from the Governor's office, a threat received by the PSC office threatening to blow up oil pipelines, and the latest involving a letter received at the Governor's office containing a white powder. These are only a few of the incidents we have recently responded to.

While the civilian staff functions well in the command center setting, they are limited in their response to situations based on their lack of training and equipment, and lack of authority to arrest or detain individuals who pose a possible threat. We have made significant strides to correct equipment and training issues; however, the more serious issue is the lack of authority among our civilian security personnel. These limitations place our security response at a disadvantage when a sworn officer is not readily available to respond.

We are requesting two additional sworn FTEs to perform the duties of Capitol Security. With the addition of these two positions, we will be better able to provide for a uniform presence during normal business hours when the Capitol Complex is occupied and open for business. After-hour response will be handled by our civilian staff located in the command center. If a trooper response is necessary after hours, the command center will follow established protocol to request that a local trooper respond.

In addition, we are also requesting that the Capitol grounds security camera system be upgraded to provide the potential to integrate with the door card access and building automation systems. This upgrade will provide for a more robust security system and will modernize our current video equipment. The \$80,000 appropriation would include the costs associated for an additional work station, multi-channel video interface, monitor replacements, additional hard disk storage, and installation within the command center. This proposed upgrade is Phase Two of the initial project started during the 2007-09 biennium.

These new security advancements will give our agency the capability of securing the premises with the push of a button. For example, if someone is spotted by capitol security shaking a powdery substance in front of an outside cold air intake, security would be able to lock the doors and shut down the ventilation systems immediately to prevent the possible spread of a harmful substance, all from the controls at the command center.

Advancements in security equipment and sworn personnel presence at the Capitol are an investment with a return that provides safety and ensures a quality of life for those who work and visit the Capitol complex.

### **Employee Compensation**

Our agency continues to experience three vital personnel issues that raise concerns and must be addressed. Those three areas are hiring qualified candidates to fill the role of a state trooper, retaining employees once they are hired, and getting highly qualified employees to accept promotions.

The North Dakota Highway Patrol has always had the reputation of hiring the choices candidates available within the state and providing for the best training. Our 24 week academy course is second to none and produces some of the finest men and women officers that are trained to fulfill the duties of a state trooper.

Over the past years, recruitment of these choice candidates has become much more competitive. During our last hiring process, three of the top five candidates withdrew their applications to join the Patrol for two reasons – they chose instead to accept positions with other agencies or they were not willing to relocate to a rural post location that was being offered.

Our agency is unique when compared to other law enforcement agencies. First, our troopers typically begin their careers in the rural outposts. Challenges immediately present themselves when spouses who are also seeking professional employment must commute to the larger cities to find career opportunities that may not be available in the rural setting. With many local agencies exceeding our pay, many of our most qualified applicants are choosing to go elsewhere.

The decisions of these top candidates not to accept employment with the Highway Patrol can be significant to our agency and to the state. Our troopers are required to make split second decisions when in the field; and unlike your larger police agencies that have supervisors

available on scene routinely, decisions by our troopers are typically made based on their training and judgment skills with minimal supervisor input at the time. Given the very nature of our job and the potential impact our decisions may have, it is imperative that we are recruiting the best candidates for the North Dakota Highway Patrol.

The Highway Patrol places a high emphasis on education and we give preference to hiring candidates with a four-year degree. Currently, 75 percent of our troopers have a bachelor degree or higher, and another five troopers are enrolled in courses at this time. Hiring candidates who possess a bachelor degree is significant in that they are more mature, they have developed their decision making skills, and they are better able to perform on their own with minimal supervision – all traits that are absolutely essential in performing the duties of a state trooper.

But the hiring of the candidates is only the first step. During the past two years we have lost eight troopers to local entities, federal organizations, and others; a trend that is continuing more now than ever before. Hiring and training a trooper has significant costs, and retention of these valuable employees is becoming more of an issue.

The third vital area of concern involves our promotional process. Having your best people in key positions is vital to the success of any organization and the Patrol is no different. During the past two years we have made ten promotions to sergeants. Of these ten promotions, eighteen calls were made to the top candidates on the promotion list who turned the promotional opportunity down. Why? They were unwilling to move for the minimal pay increase.

Again, we are unique from other law enforcement agencies when it comes to promotional opportunities. When a police department or sheriff's department makes a promotion, the selected candidate changes offices and other than their assigned duties and responsibilities in their new position, little else changes.

When a trooper accepts a promotion, it typically requires a move – troopers must uproot their families, spouses must look for another job, children must relocate to new schools, and they must sell their homes. In return, we try to insure that a minimum of a \$300 per month pay raise can be offered.

Promising candidates who represent the very future of our department are no longer accepting promotional opportunities, and this is a concern that needs to be addressed at all levels within our organization.

Our agency conducted a pay study in 2008 that included our agency and the three largest law enforcement agencies in North Dakota. Our agency is the largest with 140 sworn positions, Fargo Police Department with 131 sworn, Bismarck Police Department with 90 sworn, and Grand Forks Police Department with 79 sworn. The three agencies used for comparison were selected based on their size and they are not necessarily the highest paid.

What we found is that our salary levels have fallen well behind these other agencies. In the executive budget, Governor Hoeven has supported a \$500,000 equity pay plan to help address our concerns when it comes to the hiring, retention, and promotion of personnel within the North Dakota Highway Patrol. The equity pay plan supported by the Governor significantly helps to provide salary adjustments at all levels within the agency.

During the past two Legislative Sessions, we have asked for and received equity pay increases for our troopers and sergeants, and while this has allowed us to become more competitive with

other law enforcement agencies within the state, more needs to be done. If we are granted the \$500,000 equity pay plan within our budget, the majority of the funding will once again go to the troopers and sergeants with the remainder of salary adjustments going towards lieutenants, captains, division commanders, and major.

Our goal in the distribution of this proposed equity pay plan will be to address pay spreads between the top ranks in all pay grades within the organization. In doing so, we will address the compression issues that have occurred between pay grades, we address both the recruitment and retention of personnel, and we address the promotional issues that are occurring within the agency.

I would further ask that language be provided in the appropriation to designate that all three programs: field operations, support services, and administrative services be included as eligible for the equity pay as I have sworn positions in each program that would need to be addressed.

#### **Weigh/Inspection Station Facility Maintenance**

We are seeking an appropriation of \$100,000 to maintain and upgrade the six weigh/inspection station facilities that are located at Williston, Joliette, West Fargo, Mooreton, Bowman, and Beach. These buildings are crucial to our overall commercial motor vehicle safety programs.

While the full-time employees are no longer staffing these facilities, they are being utilized routinely for both weight enforcement purposes and for the completion of driver/vehicle safety inspections by our troopers, motor carrier troopers, border inspection teams, and MCSAP personnel.

Protecting our state's infrastructure has been identified within our agency as a priority goal. Through the use of weigh-in-motion technology, portable scales and permanent fixed locations, we are able to best provide for this protection.

The six facilities would be upgraded to include the interiors, flooring, and minor remodeling. Exterior maintenance would include new siding, window replacements, and roof repair as needed. In addition, some of the platform scales are in need of repair.

#### **Per Diem Increase**

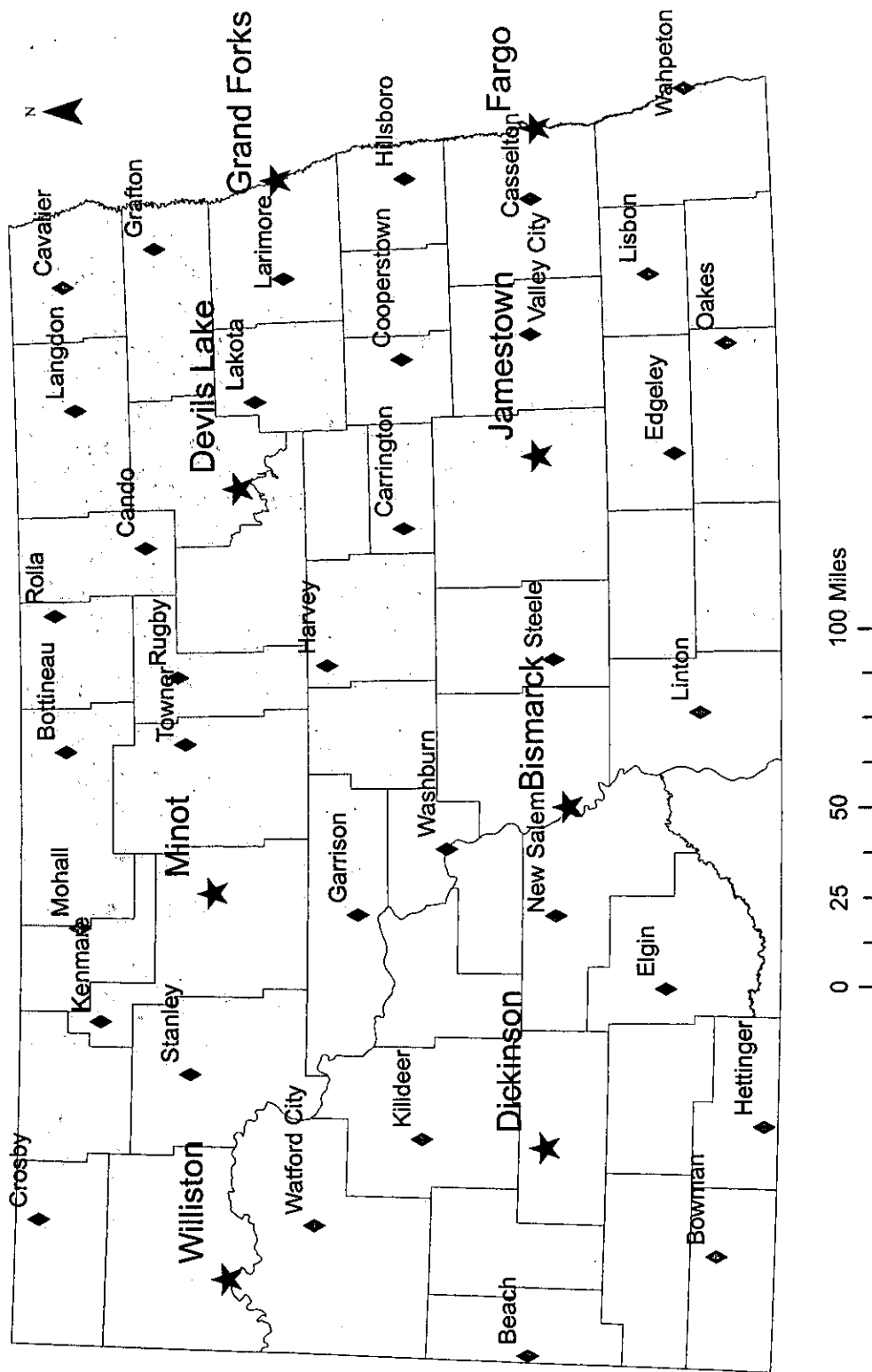
We are seeking to increase the monthly per diem rate that our sworn personnel receive due to inflationary increases that have occurred since 1997. The two primary costs that are associated with this request are meal costs and dry cleaning expenses of issued uniforms.

In 2005, per diem rates were increased to adjust for inflationary costs raising the reimbursement levels by 25 percent. Likewise, the cost of maintaining uniforms has risen as well. Troopers on average require two uniforms per week to be dry-cleaned. Average costs associated with dry-cleaning can vary depending on area, but statewide the costs have increased.

The additional \$50 per month represents an approximate increase of 29 percent from our current per diem rate of \$170.

That concludes my testimony, I would be happy to answer any questions that you may have.

# NDHP Regional Boundaries and Post Locations



★

Regional Headquarters

◆

Trooper Outpost

□

Southwest Region

□

Southeast Region

□

Northwest Region

□

Northeast Region



**North Dakota Highway Patrol  
Response To  
House Appropriations Committee  
Government Operations Division**

March 6, 2009

**What specific items are included in the \$74,000 listed under other IT infrastructure? (Rep. Delzer)**

Digital Photo Management

The NDHP currently utilizes 35mm cameras for crash investigation photos. During the 07-09 biennium, digital cameras are being purchased for all troopers. In doing so, we are estimating an increase in data storage costs for management and retention of photos. Approximately \$25,000 is needed to accomplish this activity.

System Development

- 1) Expansion of E-Permits: \$22,000 was requested for the 2009-2011 biennium for additional E-Permits enhancement for the identification supplement application for self-issuing overdimensional permits.
- 2) Enhanced Reporting: Several ad-hoc reports are needed in each of the NDHP's three main information systems. The reports will provide our personnel improved access to the data being collected. Approximately \$10,000 is needed for the development.
- 3) GPS Data: The agency is acquiring GPS hardware for each patrol vehicle. In order to improve tracking and analysis, location data elements need to be updated. The software development would provide for GPS coordinates to be used in our Case Management System and the data would be provided to State Radio's Computer Aided Dispatch system. Approximately \$17,000 is needed for development of the storage, reporting, and collection of GPS data.

**What numbers are figured into our monthly per diem increase – e.g. specific quantities and amounts? (Rep. Delzer)**

**Per Diem Rate Since 1997: \$170**

**Requested Per Diem Rate: \$220**

	<b>Annual Quantity</b>	<b>Average Cost</b>	<b>Annual Total</b>	<b>Monthly Cost</b>
Dry Cleaning - Uniforms	104	\$6.25	\$650.00	\$54.17
- Jackets	4	7.25	29.00	2.42
Meals	260	8.33	2,165.80	180.48
<b>TOTAL MONTHLY COST:</b>				<b>\$237</b>

**Annual Quantity**

- Two uniform cleanings per week (x) 52 weeks per year = 104 uniform cleanings per year
- Two winter jacket cleanings (+) two summer jacket cleanings = 4 jacket cleanings per year
- One meal per shift (x) 20 work days per 28-day cycle (x) 13 cycles per year = 260 meals per year

**Average Cost - Dry Cleaning (rates based on Arrowhead Cleaners in Bismarck)**

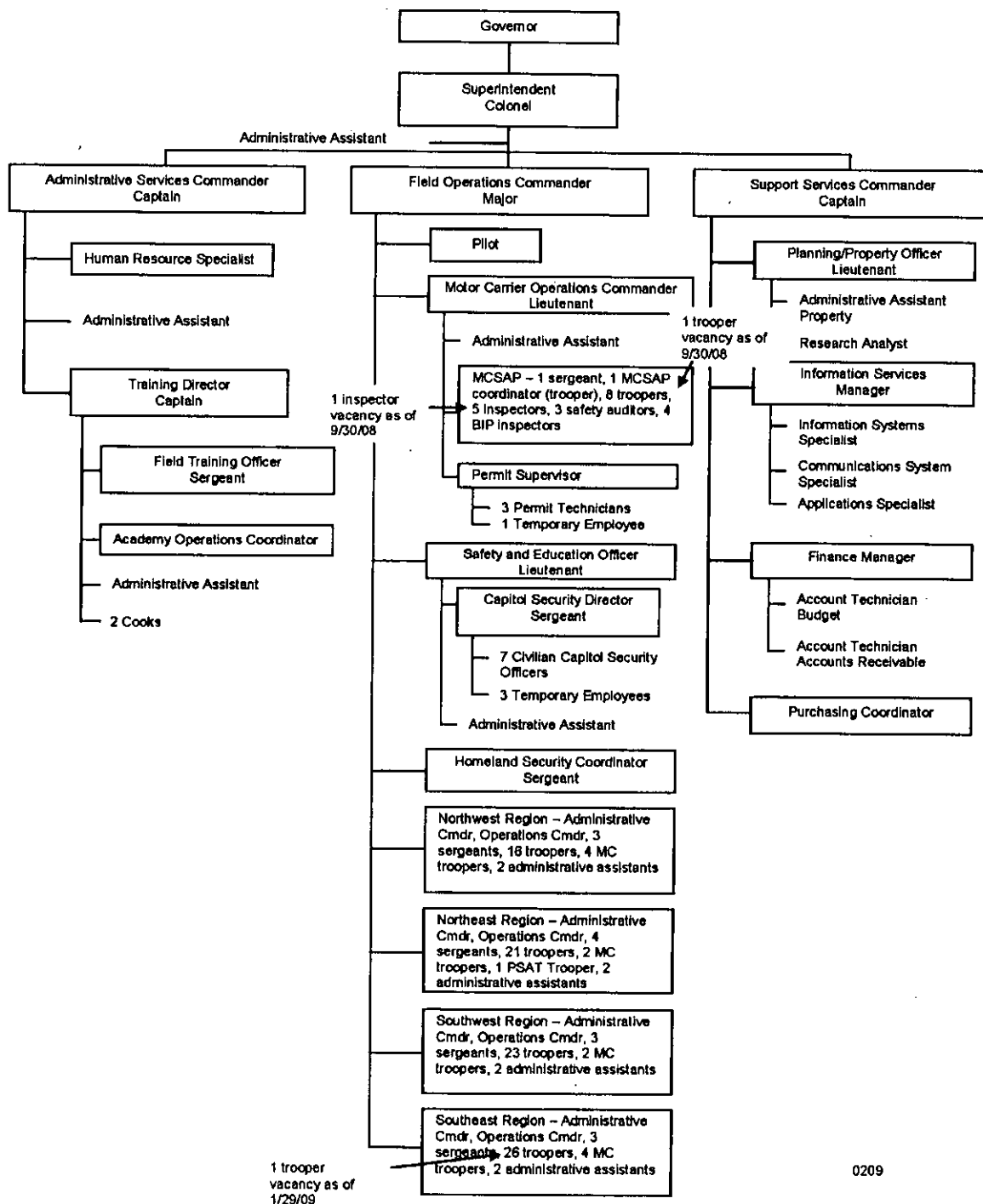
- \$2.50 for shirts (+) \$3.75 for trousers = \$6.25 per uniform
- \$6.00 for summer jackets (+) \$8.50 for winter jackets = \$7.25 average cost per jacket

**Average Cost - Meals (rates based on ND in-state meal allowance rates)**

- 6:00 a.m. to 12:00 p.m. - \$5.00
- 12:00 p.m. to 6:00 p.m. - \$7.50
- 6:00 p.m. to 6:00 a.m. - \$12.50
- Average rate:  $(5.00 + 7.50 + 12.50) / 3 = \$8.33$

## Organizational Chart with Vacancies (Rep. Delzer)

### NORTH DAKOTA HIGHWAY PATROL ORGANIZATIONAL CHART



0209

## Capitol Security Upgrade (plan for \$80,000) (Rep. Delzer)

### Security System Project Overview

The ND Highway Patrol is requesting an \$80,000 appropriation to upgrade the Capitol's security system. The funding will be used during the 2009-2011 biennium to complete Phase II of the project. Phase I was funded during the 2007-2009 biennium. Phase II involves upgrading and integrating the video system.

### Projected Cost of Phase II

- \$41,700 estimate to upgrade the Pelco Endura video system.

*In order to integrate with the Capitol building's automation system which controls HVAC and lighting, the security system must be upgraded to Andover Continuum. The Andover dealer for North Dakota is Energy Tech Systems, Inc. Energy Tech estimated \$41,700 for hardware and installation costs for an upgraded video system.*

- \$12,900 estimate for additional hard drive space.

*Energy Tech estimated \$12,900 for the cost of one 3.0 TB hard drive.*

- \$15,400 estimate to move the Command Center off-site.

*The projected cost to move the Command Center to an off-site location is \$15,400. The move is necessary to maintain video surveillance and communication in the event of an evacuation or other emergency situation at the Capitol.*

- \$10,000 estimate to fully integrate security and building automation.

*Additional costs will include software programming to fully integrate the video system with the existing building automation (HVAC/lighting) and card access systems.*

**PHASE II TOTAL: \$80,000**

## Details of Weigh/Inspection Station Upgrades (plan for \$100,000) (Rep. Delzer)

Weigh/Inspection Station Facilities' Needs (as of July 2008)	
Location	Planned Repairs
Williston	Flooring, paint, new countertops, repair concrete on platform
Joliette	Add electronic sign for northbound traffic on I-29, change interior layout for better driver access, add more counter space, add storage in basement, interior flooring, paint, countertops
West Fargo	Replace flooring, interior paint, and windows
Beach	Repair scale platform, new windows, shingles, soffits, fascia, and gutters, remove 2 of 4 bathrooms and expand existing bathrooms to include eye wash station, exterior paint, repair sidewalk and curbs, flooring, update bells and PA system, remove pay phone and water fountain
Bowman	New windows and shingles, new signs
Mooreton	Siding, interior flooring, paint, windows, and countertops

**Amount Spent on 2007-2009 Line Items to Date**

1 of 3

Run Date: 02/11/09

50400 - Highway Patrol  
Level: 50400  
Highway Patrol

**Organizational Status By Detail Account and Source  
For the Month Ending January 31, 2009**

NDS4925AA, 2009B  
Biennium 07-09

	Current Month Activity	Biennium to Date		
		General Fund	Federal Fund	Special Funds
<b>Revenues</b>				
413050 Special Fuels Tax	3,285.00	0.00	0.00	75,085.00
420250 License/Truck Permit Fees	481,380.56	7,792.80	0.00	7,541,045.42
430040 Revenue From Fed Government	149,942.80	0.00	3,327,926.51	3,327,926.51
464010 Commissions	52.29	450.92	0.00	450.92
473025 Misc Refunds	20.00	1,675.91	0.00	1,675.91
473030 Miscellaneous General Revenue	320.00	10,419.42	0.00	10,419.42
490002 Tsfr Fm Federal Fund	14,920.18	0.00	1,460,630.22	1,460,630.22
490204 Tsfr Fm Asset Forfeiture Fund	0.00	7,639.44	0.00	7,639.44
490400 Tsfr Fm Highway Tax Dist. Fund	235,694.00	0.00	0.00	4,234,214.00
<b>Total</b>	<b>885,614.83</b>	<b>27,978.49</b>	<b>4,788,556.73</b>	<b>11,850,344.42</b>
				<b>16,666,879.64</b>

<b>Expenditures</b>					
511005 Salaries Full Time	714,711.00	11,306,284.23	1,676,526.01	0.00	12,982,810.24
511020 Paid Annual Leave	1,746.97	45,621.58	17,927.08	0.00	63,548.66
511025 Pd Retire/Sick Leave	0.00	33,408.52	15,205.13	0.00	48,613.65
513005 Temporary Salaries	6,318.50	101,483.86	0.00	0.00	101,483.86
514005 Overtime	33,230.98	397,468.09	472,692.75	0.00	870,160.84
516015 Employee Assist Program	266.96	4,363.18	651.61	0.00	5,014.79
516055 Health Insurance	121,086.72	1,991,581.65	296,262.00	0.00	2,287,843.65
516075 Basic Life Insurance	4,552.64	71,590.26	13,286.29	0.00	84,876.55
516090 Other Payroll Assessments	21,590.00	402,123.90	16,490.00	0.00	418,613.90
516095 Other Retirement	122,361.19	2,033,275.20	181,926.32	0.00	2,215,201.52
516165 Section 125 Adm Fee	1,101.60	18,637.65	1,470.96	0.00	20,108.61
516170 Social Security	19,432.22	283,956.02	81,342.57	0.00	365,298.59
516175 State Retirement	13,442.30	174,936.11	76,439.85	0.00	251,375.96
516205 Unemployment Insurance	2,010.51	14,211.72	2,086.88	0.00	16,298.60
516210 Workers Comp Premium	0.00	144,738.53	9,472.00	0.00	154,210.53
<b>510000 Salaries and Benefits</b>	<b>1,061,851.59</b>	<b>17,023,680.50</b>	<b>2,861,779.45</b>	<b>0.00</b>	<b>19,885,459.95</b>
521015 In State - Lodging	2,756.66	28,082.09	45,301.31	0.00	73,383.40
521020 In State - Meals	805.00	2,152.00	17,262.50	0.00	19,414.50
521025 In State - Other Comm Transpor	0.00	6.00	43.30	0.00	49.30
521030 In State - Vehicle Mileage	396.90	2,747.28	15,348.08	0.00	18,095.36
521035 Meals Taxable	391.30	1,551.54	8,472.96	0.00	10,024.50

2 of 3

50400 - Highway Patrol  
Level: 50400  
Highway Patrol

Organizational Status By Detail Account and Source  
For the Month Ending January 31, 2009

NDS4925AA\_2009B  
Biennium 07-09

	Current Month	General Fund	Federal Fund	Biennium to Date	Total
	Activity			Special Funds	
521045	Motor/Aircraft Pool	148,502.87	2,262,891.14	0.00	2,610,891.14
521050	Moving - NonTaxable	293.68	14,228.04	0.00	14,383.04
521055	Moving - Taxable	0.00	859.55	0.00	859.55
521060	Non State Employee Travel	0.00	2,905.32	0.00	2,905.32
521070	Out of State-Air Transportatio	0.00	23,300.89	0.00	33,032.94
521075	Out of State - Lodging	0.00	23,303.85	0.00	41,848.70
521080	Out of State - Meals	308.70	19,564.84	0.00	29,304.48
521085	Out of State-Other Comm Transp	63.30	1,475.40	0.00	3,712.24
521090	Out of State - Vehicle Mileage	0.00	711.00	0.00	711.00
531020	Software/Licenses Under \$5,000	0.00	91,853.78	0.00	100,357.16
532005	Ammunition & Explosives	0.00	36,690.98	0.00	36,690.98
532035	Educational Supplies	10,148.05	55,955.68	0.00	68,554.88
532090	Periodicals & Subscriptions	74.00	3,598.23	0.00	3,623.83
533025	Food Supplies	4,171.44	73,163.45	0.00	73,163.45
533060	Uniforms	3,439.69	140,350.13	0.00	153,289.84
534100	Other Bldg. & Equip. Supplies	2,957.81	50,525.48	0.00	57,086.30
535015	Equip Under \$750	48,599.88	163,361.50	0.00	219,888.52
536015	Office Supplies	786.51	23,140.81	0.00	23,194.95
541015	Postage And P.O. Box Rental	2,439.47	40,354.52	0.00	40,636.52
542005	Central Duplicating - Printing	3,298.24	35,245.85	0.00	35,245.85
542035	Printing From Others (Non Crl	0.00	14,497.43	0.00	14,606.23
551005	Computer Equip under \$5,000	0.00	15,047.00	0.00	22,166.00
552085	Other Equipment-Under \$5000	4,266.00	823,421.67	5,479.00	987,901.15
561015	Electricity	2,798.43	57,354.70	0.00	57,354.70
561030	Natural Gas	4,498.55	42,275.94	0.00	42,275.94
561065	Water & Garbage	639.98	14,626.49	0.00	14,626.49
571020	Other Insurance	23,736.21	46,653.93	0.00	46,653.93
571025	Property Insurance	0.00	20,497.46	0.00	20,497.46
581070	Rent Of Equipment	2,679.25	35,662.06	0.00	35,662.06
582020	Miscellaneous Rents & Leases	30.00	12,581.27	0.00	12,581.27
582060	Rent Of Building Space	9,328.44	189,568.82	0.00	189,568.82
591050	Repair Building & Grounds	731.28	12,683.79	0.00	12,683.79
591065	Repair Equipment-Other	199.00	17,592.59	0.00	18,240.24
591075	Repair Service-Aircraft	1,404.20	3,715.54	0.00	3,715.54
591085	Repair Service-Radios	3,857.91	53,551.66	0.00	53,551.66
591125	Service Contract-Other	4,634.00	92,986.74	0.00	114,571.74
601005	Data Processing Service	19,617.42	399,006.74	0.00	404,158.95
602005	Cellular Phones	5,418.03	51,127.51	0.00	62,194.10

3 of 3

NDS4925AA\_2009B  
Biennium 07-09

Organizational Status By Detail Account and Source  
For the Month Ending January 31, 2009

50400 - Highway Patrol  
Level: 50400  
Highway Patrol

	Current Month Activity	Biennium to Date			Total
		General Fund	Federal Fund	Special Funds	
602065 Telephone ITD	8,706.82	71,861.89	7,862.98	0.00	79,724.87
611020 Professional Development	10,352.37	85,033.16	14,062.00	0.00	99,095.16
611030 Tuition Fees	0.00	2,078.62	0.00	0.00	2,078.62
621020 Advertising Services	0.00	20,600.31	35,920.30	0.00	56,520.61
621060 Awards, Rewards, Prizes	0.00	3,342.26	0.00	0.00	3,342.26
621145 Film Processing	1,094.52	10,751.68	0.00	0.00	10,751.68
621275 Laundry & Dry Cleaning	425.00	11,731.52	7,255.70	0.00	18,987.22
621325 Other Operating Fees	10.00	41.00	144.00	0.00	185.00
621375 Purchasing Card Transactions	3,826.88	91,218.66	7,505.52	0.00	98,724.18
623100 Legal	27.34	1,062.78	0.00	0.00	1,062.78
623140 Medical Including Hospital	2,521.80	110,174.08	2,841.60	0.00	113,015.68
623175 Professionals Not Classified	1,091.40	302,808.83	25,570.00	0.00	328,378.83
520000 Operating Expenses	341,328.33	5,711,575.48	878,170.23	5,479.00	6,595,224.71
684020 Misc Major Bldg Repairs	0.00	21,794.58	0.00	0.00	21,794.58
691035 Other Equipment Over \$5000	10,854.00	428,142.02	928,537.44	0.00	1,356,679.46
681000 Capital Assets	10,854.00	449,936.60	928,537.44	0.00	1,378,474.04
712105 Grants To Cities	4,787.48	0.00	56,364.63	0.00	56,364.63
712115 Grants To Counties	1,074.98	0.00	32,076.48	0.00	32,076.48
712000 Grants, Benefits & Claims	5,862.46	0.00	88,441.11	0.00	88,441.11
					0.00
					0.00
Total	1,419,896.38	23,185,192.58	4,756,928.23	5,479.00	27,947,599.81
Expenditures					0.00

**What is included in our estimated income – e.g. are permit fees included? (Rep. Delzer)**

The estimated income total consists only of federal funds in the amount of \$6,343,005 and special funds (Fund 400-Hwy Tax Distribution Fund) in the amount of \$4,550,725. The amount of permit fees included in the estimated income is \$ -- 0 --. The permit fees are collected and deposited into the state's Highway Fund (Fund 200) and are not a funding source for the Highway Patrol.

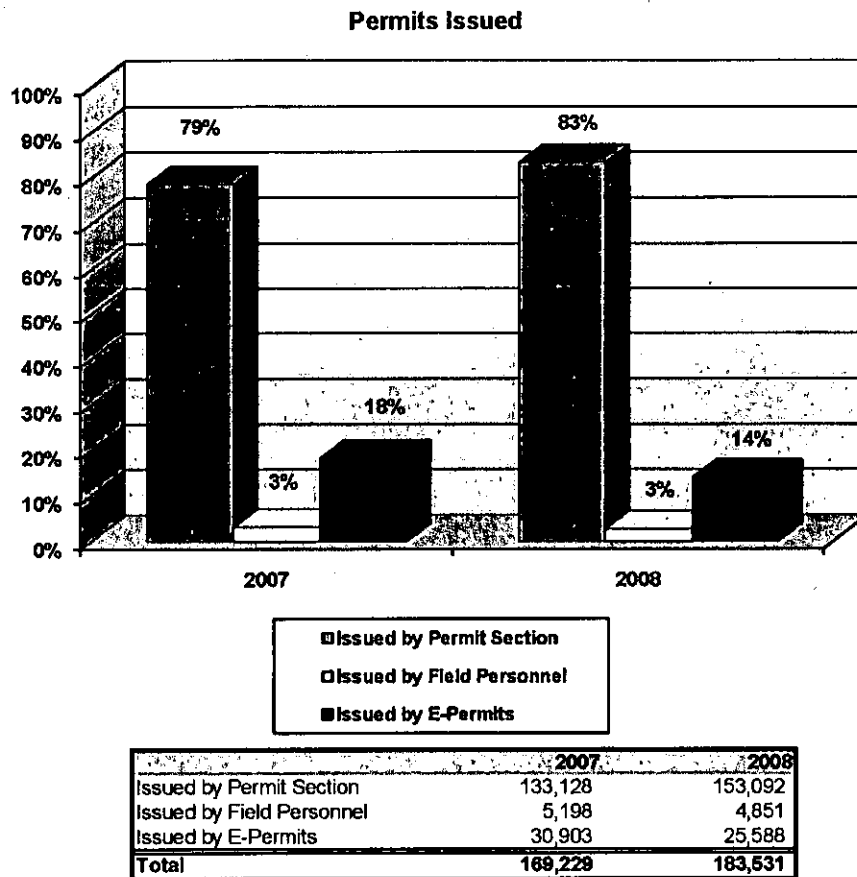
**What is the estimated cost of an automated permit system similar to South Dakota? Is a cooperative use option available between ND and SD? (Rep. Berg)**

A cooperative use option does not appear to be viable based on different regulations such as overdimensional limits, fee structure, axle configurations, allowable weights, road restrictions, etc. The chart below provides estimated costs of automated routing systems.

State	System Information
South Dakota	<p>\$1.5 to \$2 million</p> <p>Maintenance cost: \$68,000 – \$75,000 (dependent on upgrades)</p> <p>Vendor: Bentley Systems (CW Beilfus)</p> <p>System in place approximately 5 years</p> <p>Staff reviews permits in excess of specific limits</p>
Montana	<p>\$230,000 Permitting/Routing (recall routing system is not real sophisticated)</p> <p>\$1.1 million, CVISN Level 1 (IRP, IFTA, SSRS, Roadside)</p> <p>Maintenance cost: 5 year contract that is negotiable. Based on upgrades, changes, additions requested</p> <p>Vendor: Affiliated Computer Systems (Lockhead Martin)</p> <p>System in place over 10 plus years</p> <p>Staff reviews permits that exceeds specific limits specific in system.</p> <p>Allowable weight is table driven. Excess weight requires HQ staff review.</p>
North Dakota	<p>Potential vendor: Bentley Systems</p> <p>Rough estimate to build automated permit/routing system for ND.</p> <p>Cost: \$2,165,625</p> <p>Annual maintenance: \$122,273</p> <p>This is based on a system they are building for Illinois to include Chicago area and over 100,000 permit per year.</p> <p>Rough estimate to only build automated routing system for ND.</p> <p>Pricing for less than 100,000 permits issued annually.</p> <p>Cost: \$1,361,875</p> <p>Annual maintenance: \$102,638</p>



## Percent of Permits Issued by the Permits Section Compared to the Field (Rep. Berg)



## Average Waiting Time for Permits (Rep. Berg)

The average time to process a routine single trip permit for an oversize load movement is 15 minutes or less. A routine permit is 12 feet in width or less, height- legal, length – 120' or less, and a GVW of 150,000 pounds and less.

The timeline for permits issued for load movements in excess of 150,000 up to 250,000 pounds gross vehicle weight ranges from 1 to 5 hours. The timeline for load movements in excess of 250,000 pounds could be up to 36 hours.

## Clarify the difference between state and county permit procedures (Rep. Meyer)

County permits are issued under the authorization of local county commissions and are valid only on county roads within their jurisdiction; they are not valid on state and federal highways. State issued permits are only valid on state and federal highways; they are not valid for county and other local roads (reference NDCC 39-12-02 sub. 1).

March 2009

**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
2009-11 executive budget	\$32,273,403		\$4,550,725	\$6,343,005	\$43,167,133
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



Colonel Mark A. Nelson, Superintendent  
State Capitol, 600 E. Boulevard Ave. Dept. 504  
Bismarck, ND 58505-0240  
Telephone: 701-328-2455



John Hoeven  
Governor  
State of North Dakota

# North Dakota Highway Patrol

**SUBJECT:** Comments Regarding Critical Salary Pool

Having the ability to maintain funding from salary vacancies is extremely important to the North Dakota Highway Patrol. Three personnel issues are being experienced within our agency to include recruitment, retention and promotions, and the dependence on salary vacancies plays an important role in dealing with each of these issues.

## **Unfunded Step Increases**

Our current practice of utilizing steps allows for our agency to provide incremental salary increases based on employee performance. This is a philosophy that has been utilized by our agency and supported by the governing bodies since the mid 1960's.

Potential candidates for hire are well aware of the entry-level salaries being offered, but their focus is on the step increases that they are eligible to receive based on their yearly performance reviews. Having the ability to show a progression in salary to the status of a senior trooper is a strong recruitment and retention tool.

Retaining a tenured trooper is important to both our agency and the citizens of this state. Tenured troopers tend to require less supervision, they have established themselves within the communities they serve and their overall skills, knowledge, and abilities are enhanced due to their experience with the agency.

Step increases are currently set at 2.5% to 3% annually, based on satisfactory performance, until the top step is reached. Guidelines outlined in NDAC 4-07-02-14 are followed in the issuance of performance increases.

## **Probationary Increases**

Troopers are placed on probation during their first twelve months of service. Upon successful completion of this probationary period, an increase in salary is given in an amount up to 5% as authorized in 4-07-02-10.

Currently, all salary increases due to completion of a probationary period are funded entirely through the use of vacant salary dollars and serve as a strong recruitment and retention tool.

## **Temporary Increases**

We as an agency have committed ourselves to sending newly promoted sergeants to an advanced supervision training course that is ten weeks in length. During the time these sergeants are in training, we temporarily assign a trooper to serve as an acting first-line supervisor.

Troopers chosen to serve in this capacity are typically on our promotional roster and these temporary assignments help to further enhance their interest in being promoted in the future. Given the additional duties and responsibilities, we currently authorize a \$200 per month increase in salary as authorized in NDAC 4-07-02-16.

### **Recruitment Bonuses**

The recruitment and hiring of highly qualified candidates to serve in the capacity of a state trooper is a top priority within the NDHP. As an incentive, we have implemented a referral bonus program that rewards our employees for recruiting a candidate who successfully completes their probationary period as a trooper.

We have utilized these recruitment bonuses for many years and the results have been very successful. Again, the bonuses paid are a direct result of vacancy dollars.

### **Unfunded Positions**

During the last Legislative Session, we were given authorization to carry two unfunded FTE trooper positions. The purpose was to allow our agency to hire in advance two additional candidates, with the knowledge that future vacancies to cover these two unfunded positions would be occurring. Funding for these positions is contingent on finding the monies through the use of vacancy dollars.

### **Responsibility Level or Workload Increase**

Specialty assignments within our agency greatly enhance the capabilities of the Patrol, but are contingent on troopers willing to accept the voluntary assignments. Programs such as our canine handlers, crash reconstruction, and Drug Recognition Experts (DRE) require a strong commitment on the part of our personnel.

As an incentive for accepting this type of additional workload, we have built in specialty pay for our troopers as authorized in NDAC 4-07-02-11, funding of which comes from our vacant salary dollars. The removal of this incentive has the potential of limiting those candidates who would be willing to accept the additional workload and could limit our specialized resources available within the state.

### **Vacation/Sick Leave Pay**

Upon retirement, all vacation and sick leave pay (10%) are the responsibility of the agency. During the 2003-05 biennium these payments totaled \$220,000, during the 2005-07 biennium these payments totaled \$157,000, and during the current biennium the cost has totaled \$130,000 through February. Reimbursement is paid through current vacancy dollars available within the agency.

### **Additional Patrol Needs**

When a vacancy occurs within our agency, the responsibility for providing continued coverage to the affected post location does not go away. We rely on current staffing to assist in providing for the additional coverage needs that are presented. The single largest factor that is available to us in maintaining patrol coverage is through the use of overtime programs that are funded through the use of vacancy dollars.

### **Academy Classes**

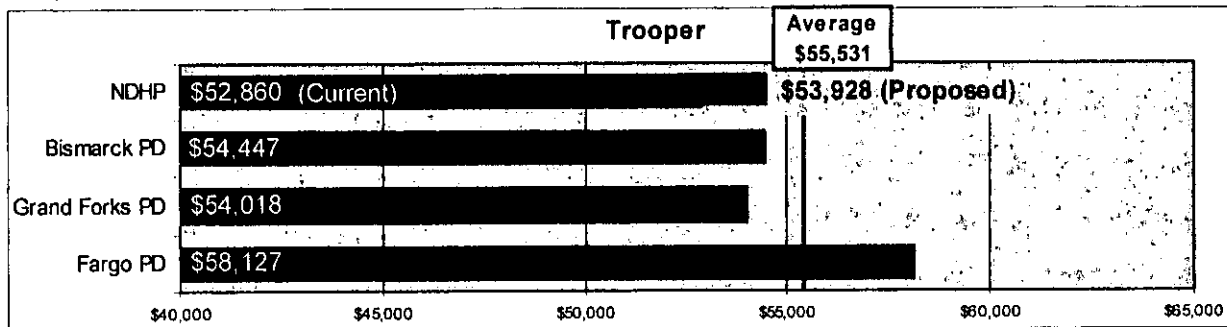
The decision to hold a 25-week academy class is based on having a minimum of 7-8 vacancies at the time, and when vacancies do occur within the Patrol, we go through a hiring process that takes nearly eight months. We have been averaging one NDHP academy course per year in recent years.

Given the length of time for the hiring process, projections for vacancies can change and the final numbers of candidates are at times decided within the final weeks prior to hiring. Of primary concern is our ability to fill these vacant positions on short notice, especially given the approval process required through OMB and then the budget section.

## Salary Equity Funding

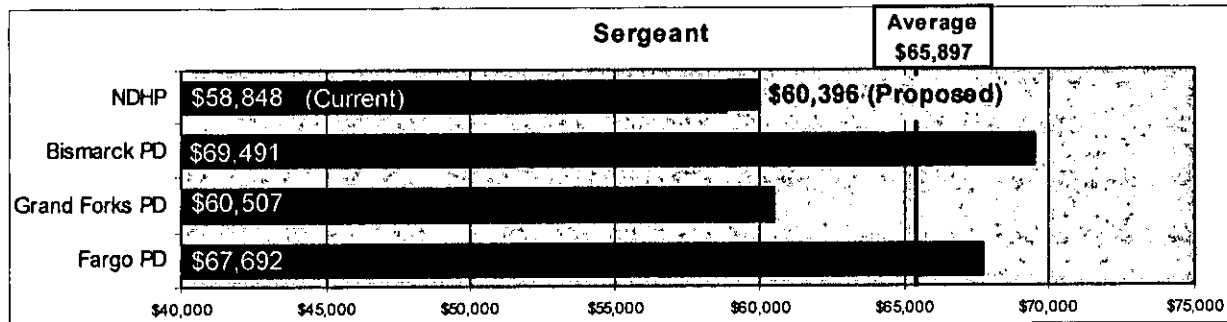
### Troopers (Pay Grade 12)

Goal is to increase entry-level pay and reduce the number of years it takes to reach top trooper pay from 16 years (currently) to after the completion of 10 years (proposed).



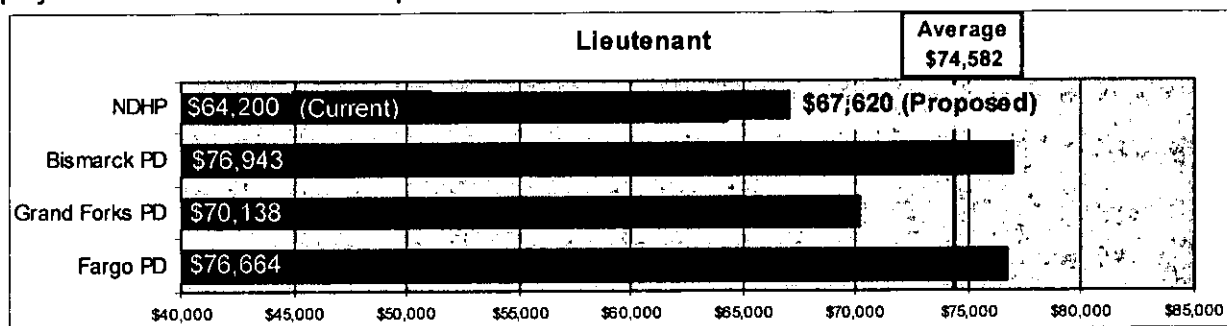
### Sergeants (Pay Grade 13)

Goal is to establish an approx 12% pay range from top trooper pay to top sergeant pay in order to address compression issues and entice troopers to accept promotions.



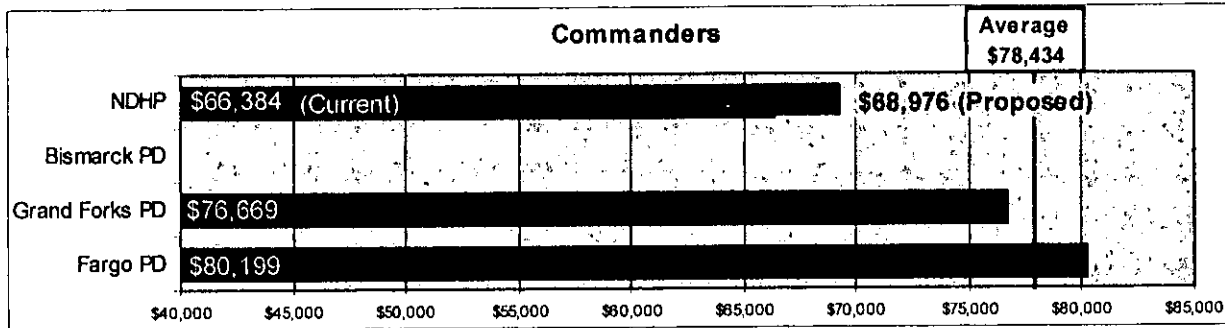
### Lieutenants (Pay Grade 14)

Goal is to establish an approx 12% pay range from top sergeant pay to top lieutenant pay in order to address compression issues.



### Commanders (Pay Grade 14)

Goal is to establish an approx 2% pay range from top lieutenant pay to top commander pay. Lieutenants and commanders share one pay grade so it is impossible to fully address the compression issues at this rank.



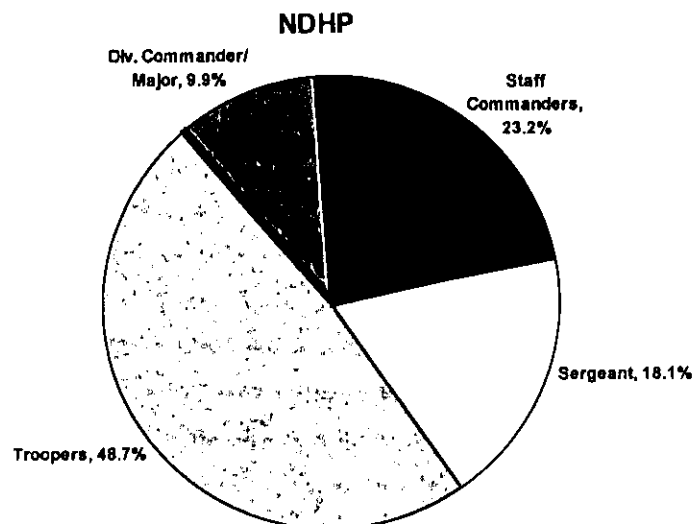
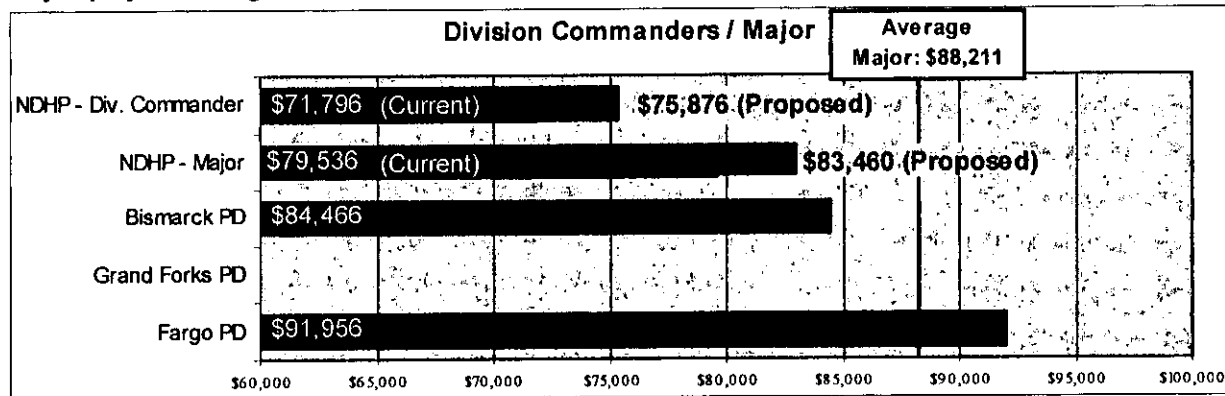
### Division Commanders (Pay Grade 15)

Goal is to establish an approx 10% pay range from top commander pay to top division commander pay. This is needed to address the compression issues.

*\*There was no comparable data at this level with the other agencies in the pay study.*

### Major (Pay Grade 16)

Goal is to establish an approx 10% pay range from top division commander pay to top major pay. This again is needed to address the compression issues between ranks.



## **Capitol Security FTE Positions**

Current capitol security needs have raised concerns about the capability of the civilian security staff to adequately provide security and other related security functions in an effective, safe manner. Security incidents and implied threats to Capitol employees solidify the need for sworn personnel at the Capitol. Civilian personnel are limited based on equipment, training, and lack of authority to enforce, arrest, or detain any or all individuals who pose a possible threat. We have made significant strides to correct equipment and training issues; however, we are still faced with lack of authority among our civilian security personnel. These limitations place our security response at a disadvantage when a sworn officer is not readily available to respond. We also anticipate using the sworn capitol security to assist with criminal investigation work at state facilities that is currently tasked to troopers in the field which negatively impacts our ability to respond to traffic safety and other emergency calls in a timely manner.

## Funding for Officer Per Diem

Per Diem Rate Since 1997: \$170

Requested Per Diem Rate: \$220

	Annual Quantity	Average Cost	Annual Total	Monthly Cost
Dry Cleaning - Uniforms	104	\$6.25	\$650.00	\$54.17
- Jackets	4	7.25	29.00	2.42
Meals	260	8.33	2,165.80	180.48
<b>TOTAL MONTHLY COST:</b>				<b>\$237</b>

### Annual Quantity

- Two uniform cleanings per week (x) 52 weeks per year = 104 uniform cleanings per year
- Two winter jacket cleanings (+) two summer jacket cleanings = 4 jacket cleanings per year
- One meal per shift (x) 20 work days per 28-day cycle (x) 13 cycles per year = 260 meals per year

### Average Cost - Dry Cleaning (rates based on Arrowhead Cleaners in Bismarck)

- \$2.50 for shirts (+) \$3.75 for trousers = \$6.25 per uniform
- \$6.00 for summer jackets (+) \$8.50 for winter jackets = \$7.25 average cost per jacket

### Average Cost - Meals (rates based on ND in-state meal allowance rates)

- 6:00 a.m. to 12:00 p.m. - \$5.00
- 12:00 p.m. to 6:00 p.m. - \$7.50
- 6:00 p.m. to 6:00 a.m. - \$12.50
- Average rate:  $(5.00 + 7.50 + 12.50) / 3 = \$8.33$



## **Operating Expenses – State Fleet**

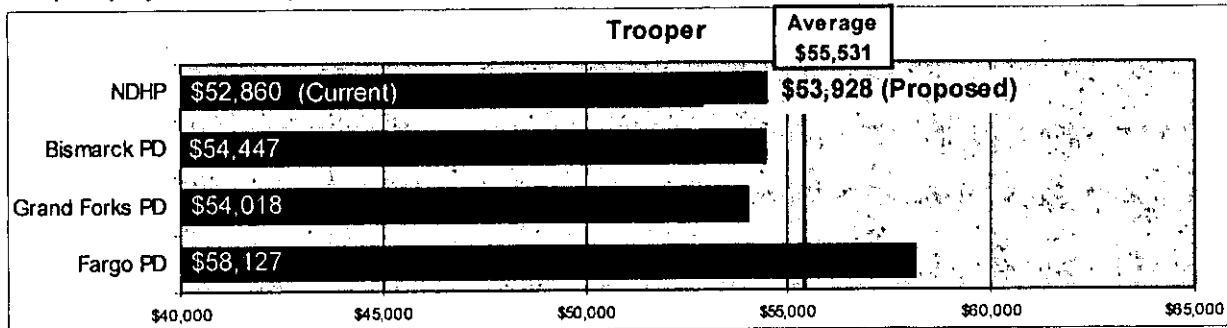
State Fleet projected a rate of \$.70 for the Highway Patrol for 2009-2011 – the current rate is - \$.55.

1. Currently, State Fleet has under-collected approximately \$100,000 in depreciation dollars for the current fiscal year for group 7 – Highway Patrol. Depreciation is recalculated annually which will have an impact on the rate of \$.0278 per mile beginning in August.
2. State fleet originally projected a \$.74 per mile rate for group 7, but after calculating some other cost reduction factors, State Fleet reduced the projection to \$.70.
3. Gasoline is back on the rise. For every \$.25 increase, the rental rate is affected approximately \$.02 per mile.
4. Currently, State Fleet is not collecting additional replacement dollars for HP vehicles because the new vehicle bid price did not go up this year. All other vehicle groups have seen a 7-20% increase this year. It is anticipated the HP vehicles will see an increase and an appropriate replacement rate will have to be collected during the 09-11 biennium.
5. Vehicle parts and repair costs are rising at an accelerated rate and we can expect to see a \$.02 to \$.03 per mile increase just for repair costs within group 7.
6. Collision costs with the HP vehicles have increased this past year by 145% and these have not yet been incorporated into the group rate.
  - a. For the past 12 months collision costs have totaled \$62,805 and State Fleet has collected from third parties \$12,680 of those costs for a net cost of \$50,125.
  - b. For the 12 months prior, collision costs totaled \$33,927 and State Fleet has collected \$13,467 from third parties for a net cost of \$20,460.

## Salary Equity Funding

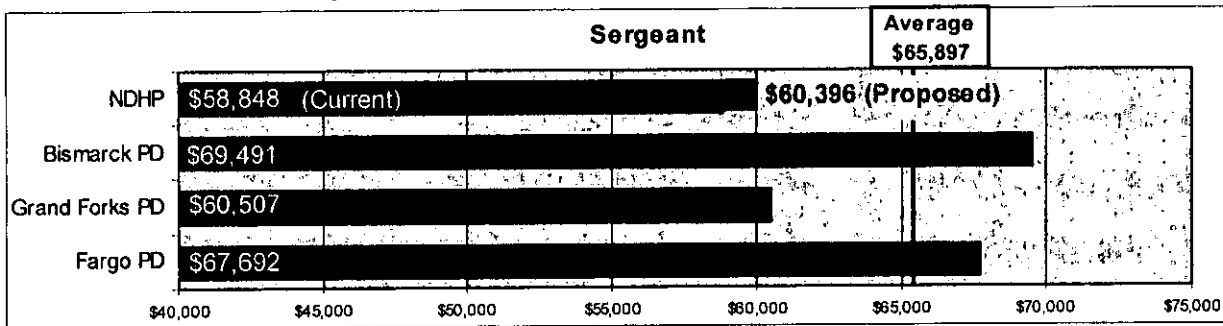
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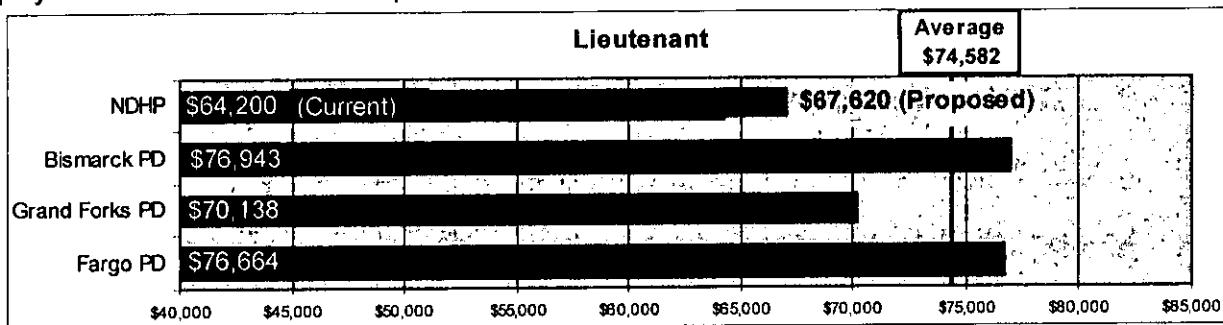
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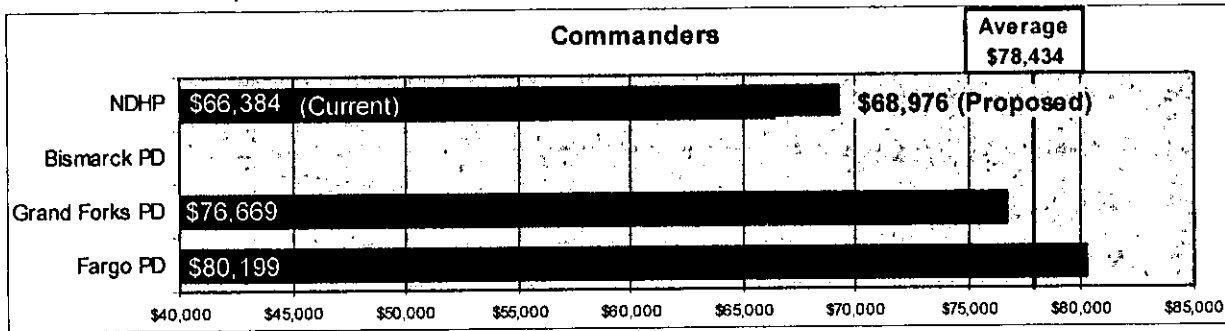
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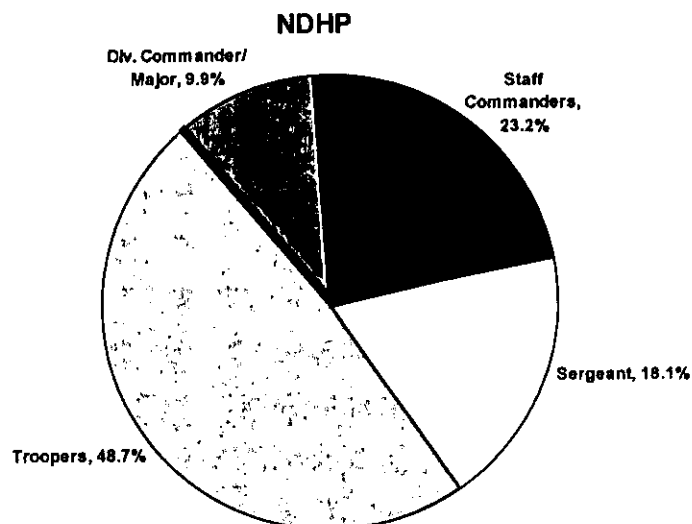
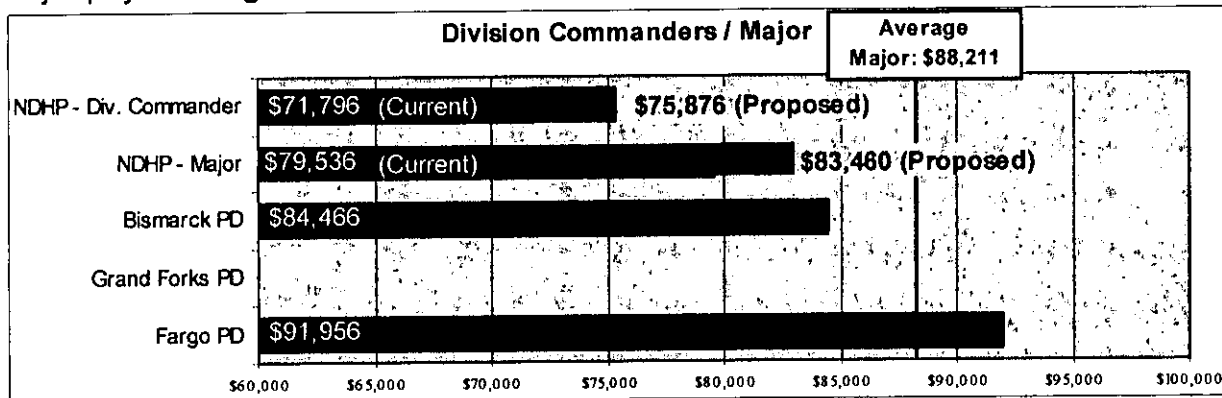
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- 12:00 p.m. to 6:00 p.m. - \$7.50
- 6:00 p.m. to 6:00 a.m. - \$12.50
- Average rate:  $(5.00 + 7.50 + 12.50) / 3 = \$8.33$

## **Operating Expenses – State Fleet**

State Fleet projected a rate of \$.70 for the Highway Patrol for 2009-2011 – the current rate is - \$.55.

1. Currently, State Fleet has under-collected approximately \$100,000 in depreciation dollars for the current fiscal year for group 7 – Highway Patrol. Depreciation is recalculated annually which will have an impact on the rate of \$.0278 per mile beginning in August.
2. State fleet originally projected a \$.74 per mile rate for group 7, but after calculating some other cost reduction factors, State Fleet reduced the projection to \$.70.
3. Gasoline is back on the rise. For every \$.25 increase, the rental rate is affected approximately \$.02 per mile.
4. Currently, State Fleet is not collecting additional replacement dollars for HP vehicles because the new vehicle bid price did not go up this year. All other vehicle groups have seen a 7-20% increase this year. It is anticipated the HP vehicles will see an increase and an appropriate replacement rate will have to be collected during the 09-11 biennium.
5. Vehicle parts and repair costs are rising at an accelerated rate and we can expect to see a \$.02 to \$.03 per mile increase just for repair costs within group 7.
6. Collision costs with the HP vehicles have increased this past year by 145% and these have not yet been incorporated into the group rate.
  - a. For the past 12 months collision costs have totaled \$62,805 and State Fleet has collected from third parties \$12,680 of those costs for a net cost of \$50,125.
  - b. For the 12 months prior, collision costs totaled \$33,927 and State Fleet has collected \$13,467 from third parties for a net cost of \$20,460.



Budget Hearing – SB2011  
House Appropriations Committee  
Government Operations Division



# Still Image of Crash Scene Taken From FLIR Video

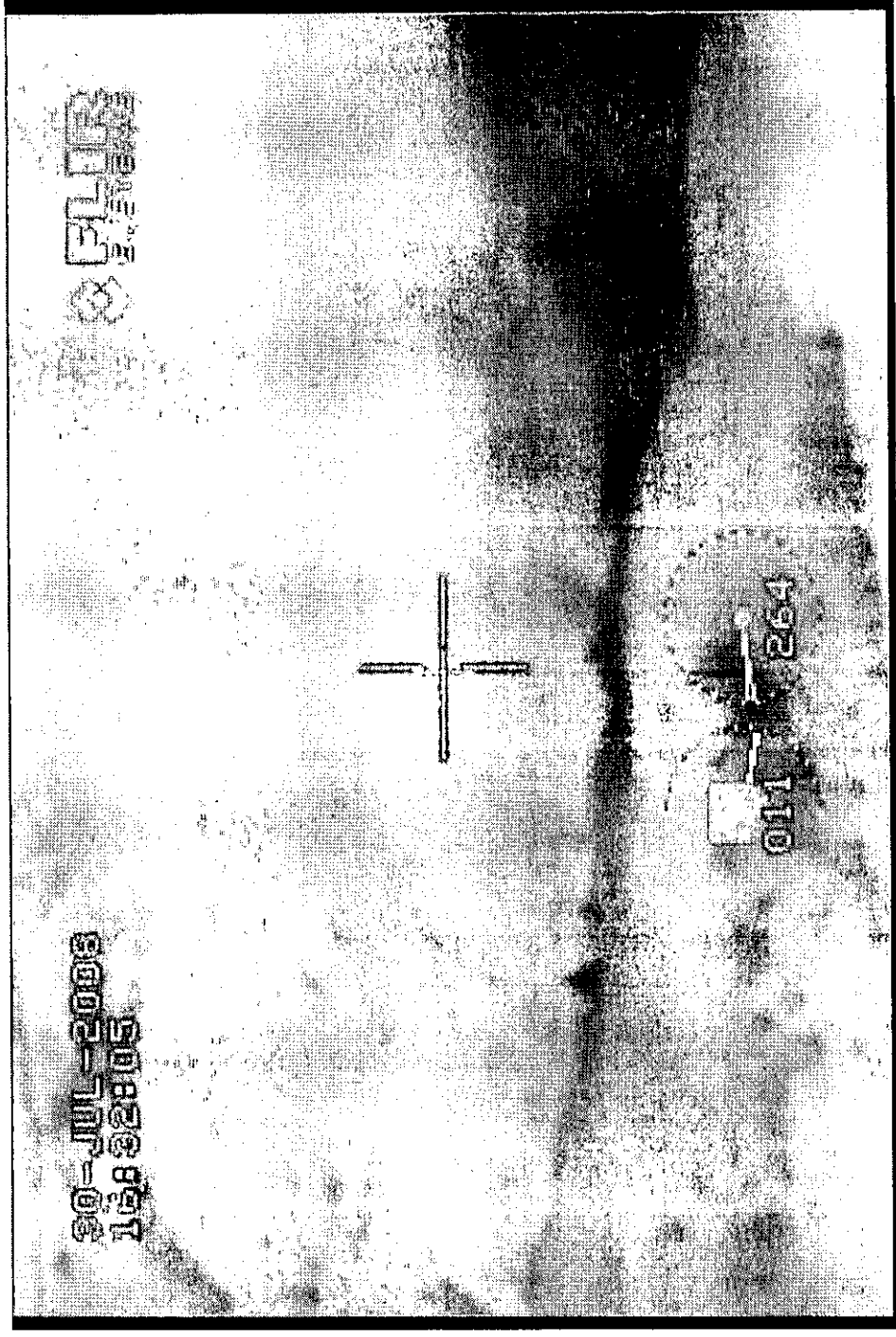




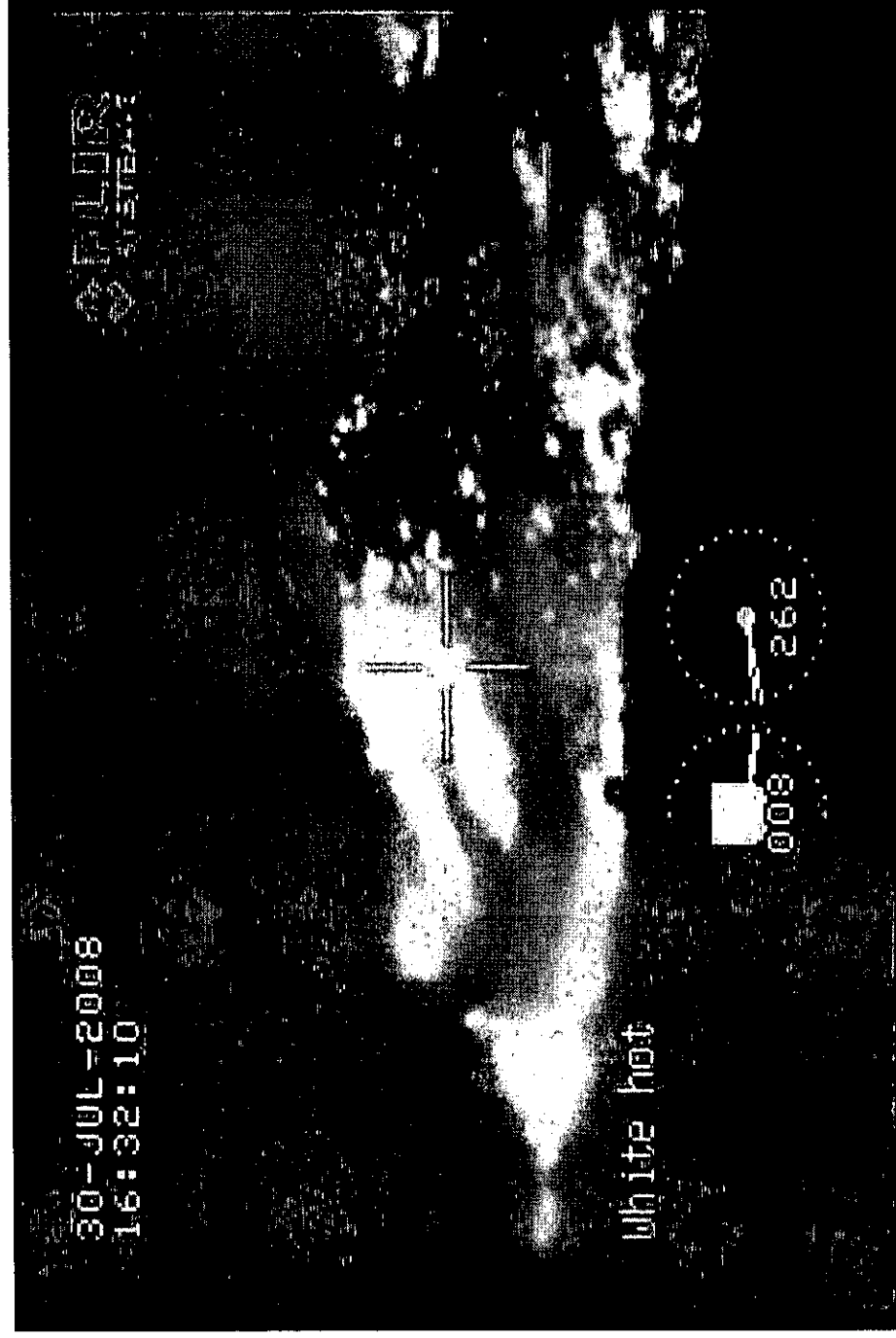
# Still Image Of Traffic Stop Taken From FLIR Video



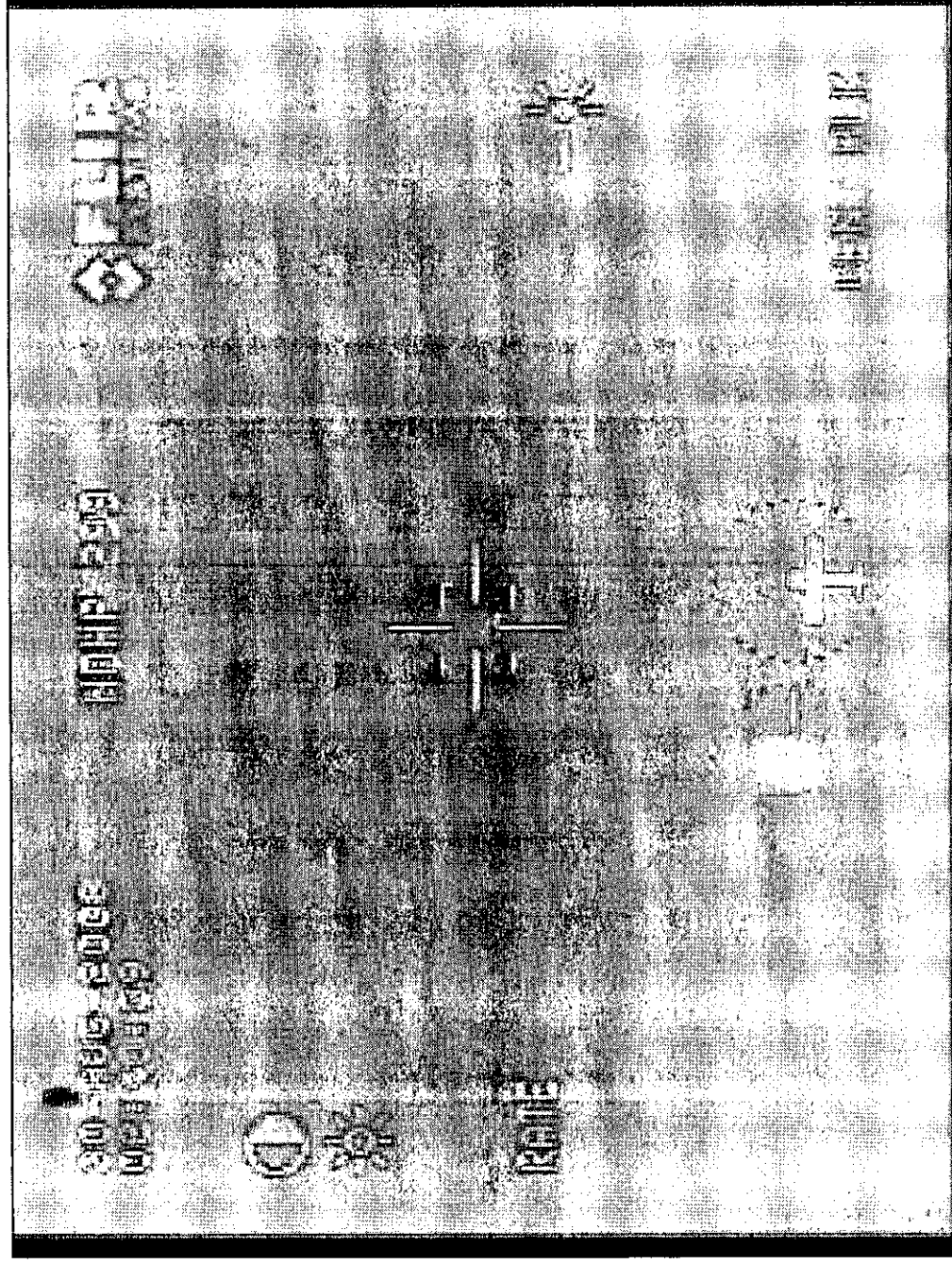
# Still Image Of Grass Fire Taken From FLIR Video



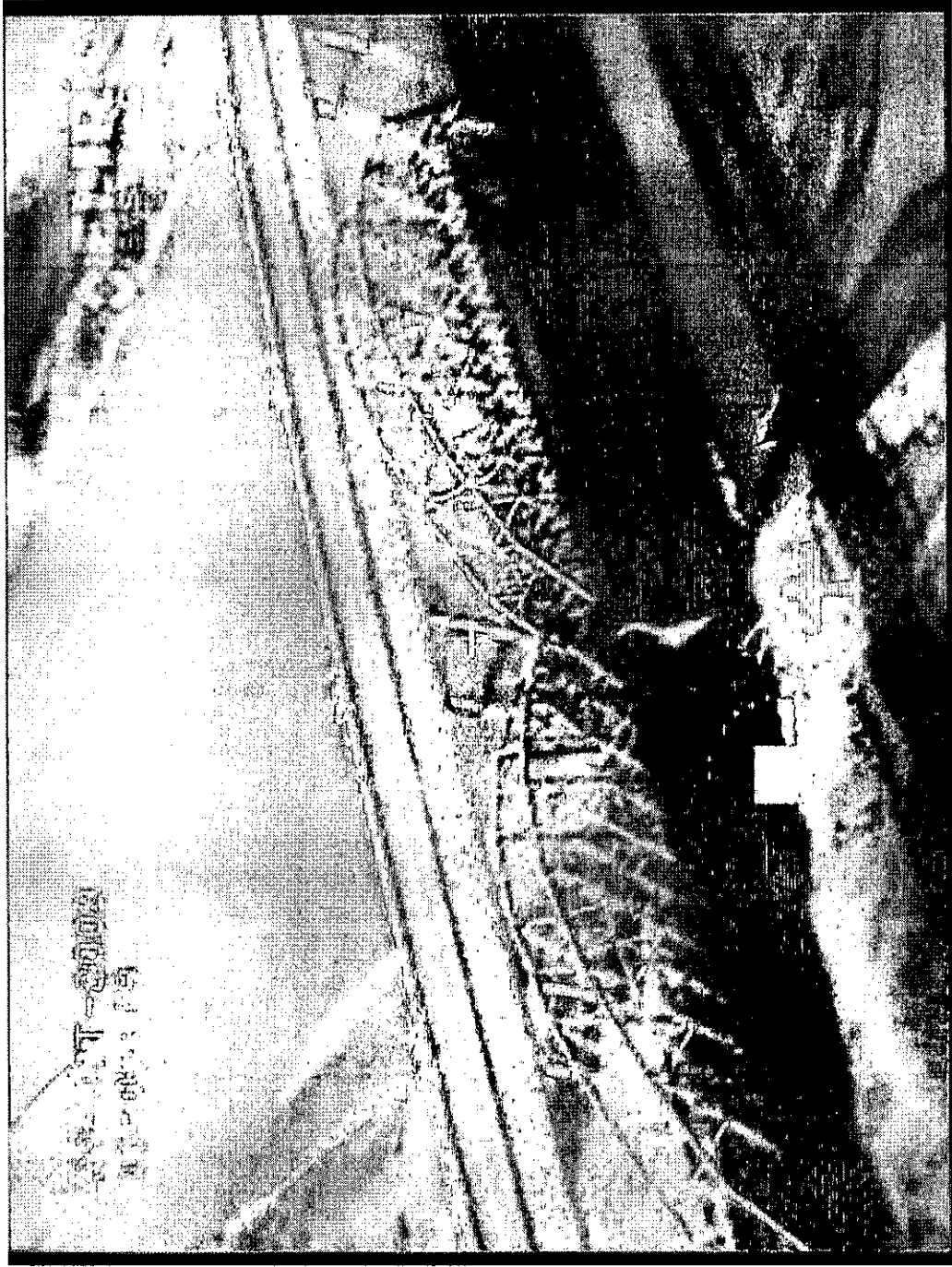
# Still Image Of Grass Fire Taken In "white-hot" Mode To See Through Smoke



# Video Of Dog Handler using FLIR

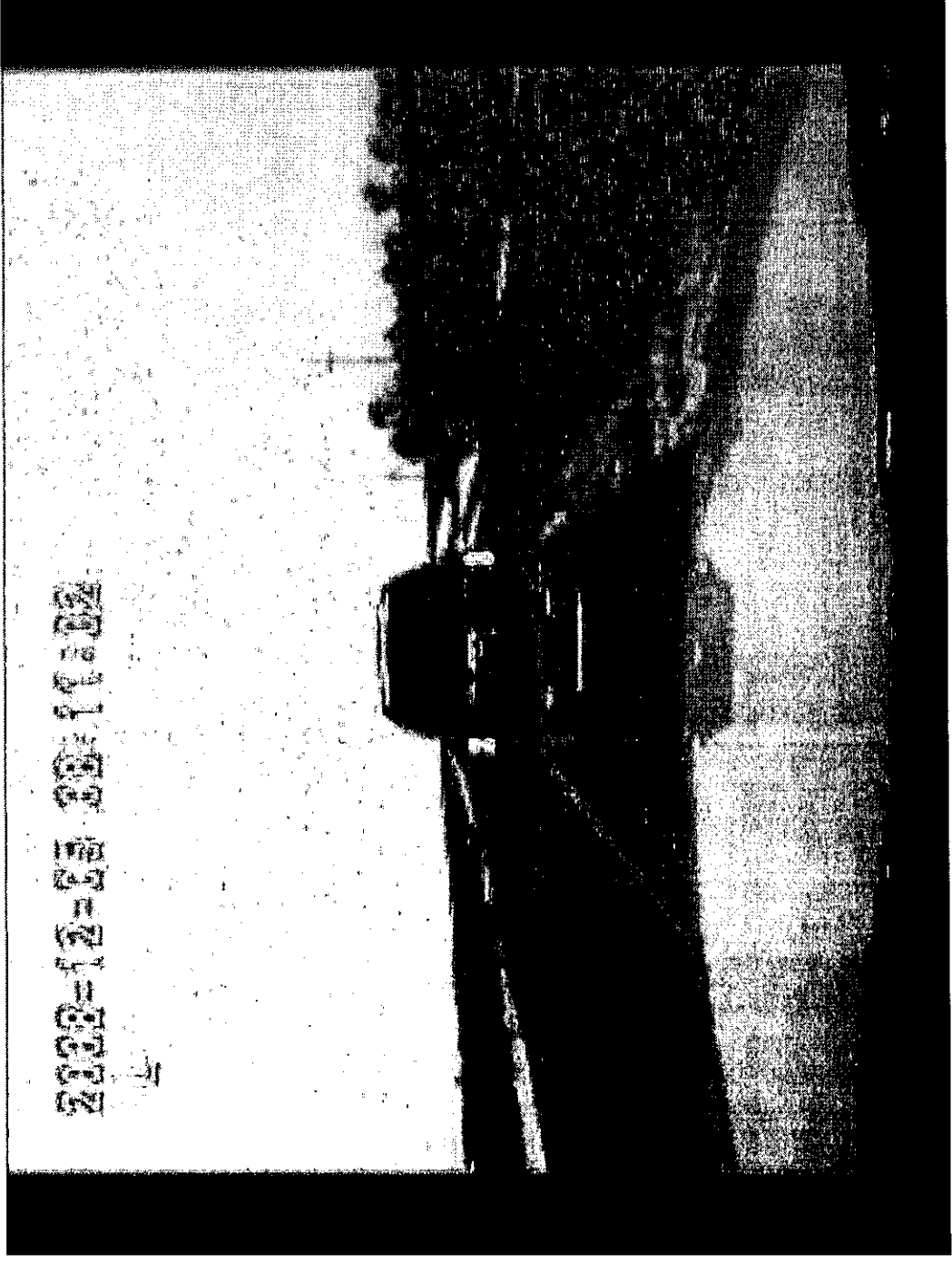


# Memorial Bridge Destruction



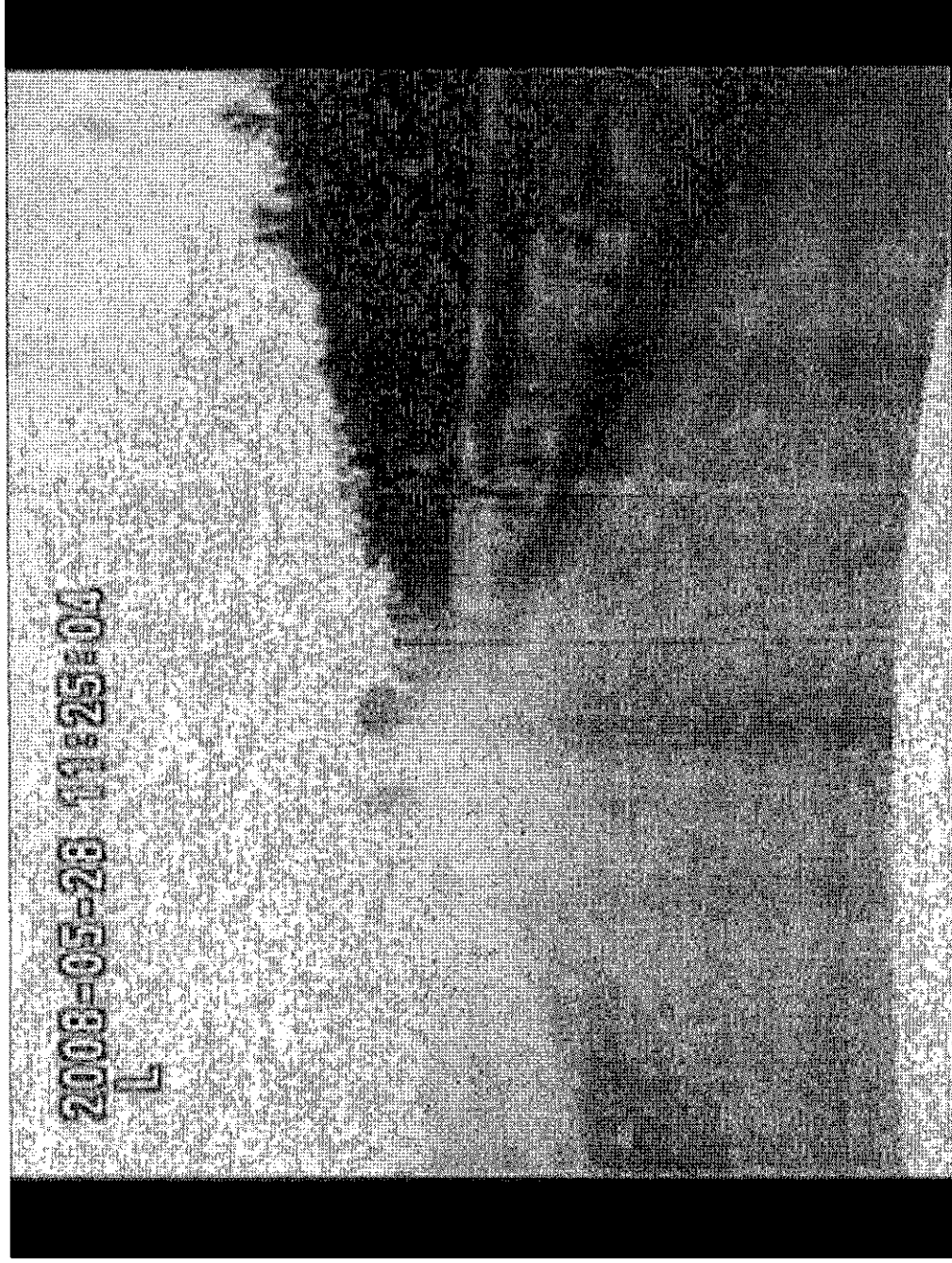
October 29, 2008

# Traffic Stop Recorded Using Digital in-car Video System





# Pursuit



Suspect abruptly stops vehicle in middle of gravel road and flees on foot.

Pursuing officer attempts to avoid a collision and rolls vehicle.

# Car/Deer Accident

2008-10-02 20:04:40



Officer responding to a crash encounters a deer.



# Pursuit

2008-02-23 02:14:34

L

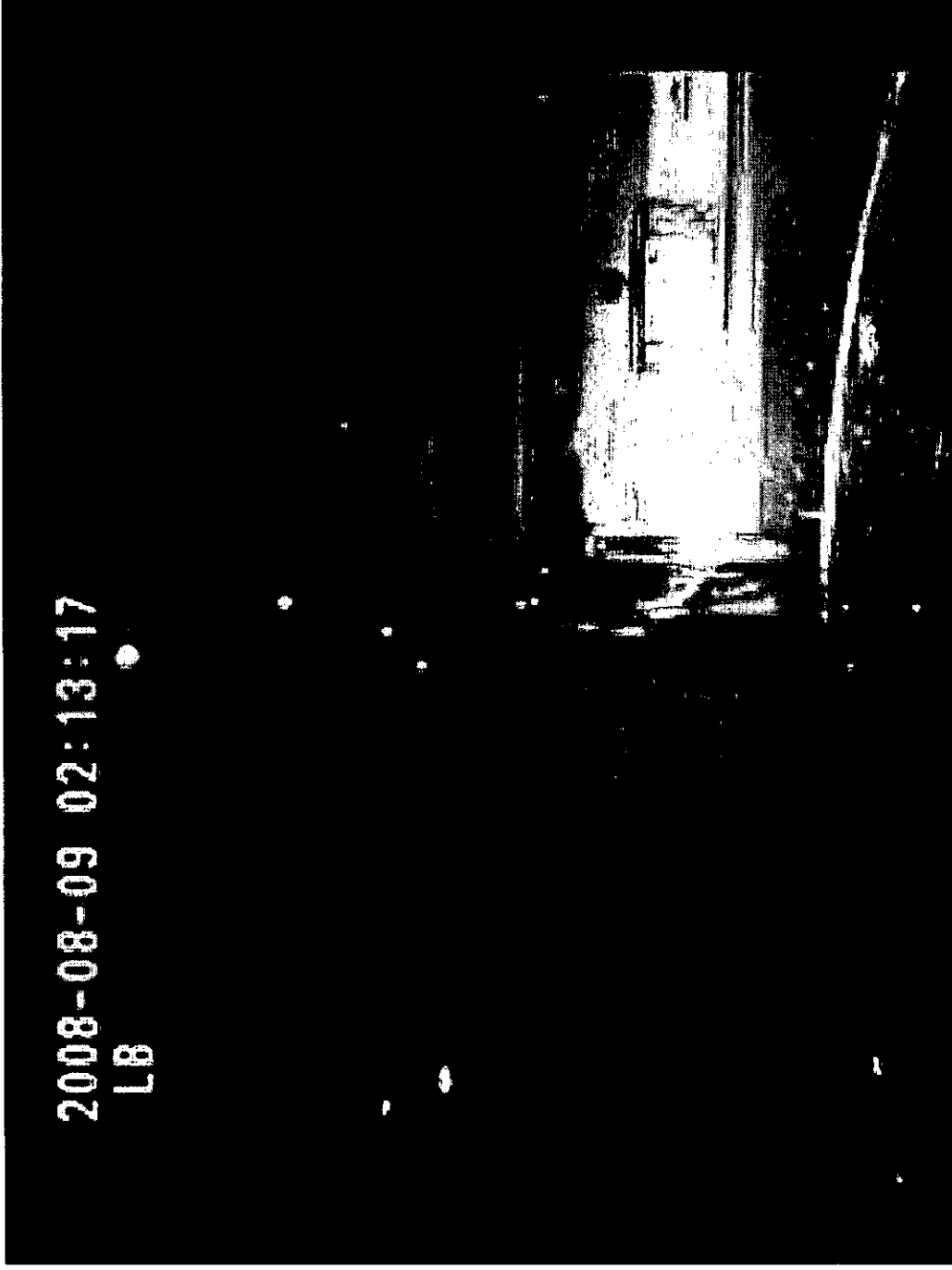


Suspect flees in vehicle and confronts officer after reaching a dead end. Suspect is taken into custody safely.

# Foot Pursuit

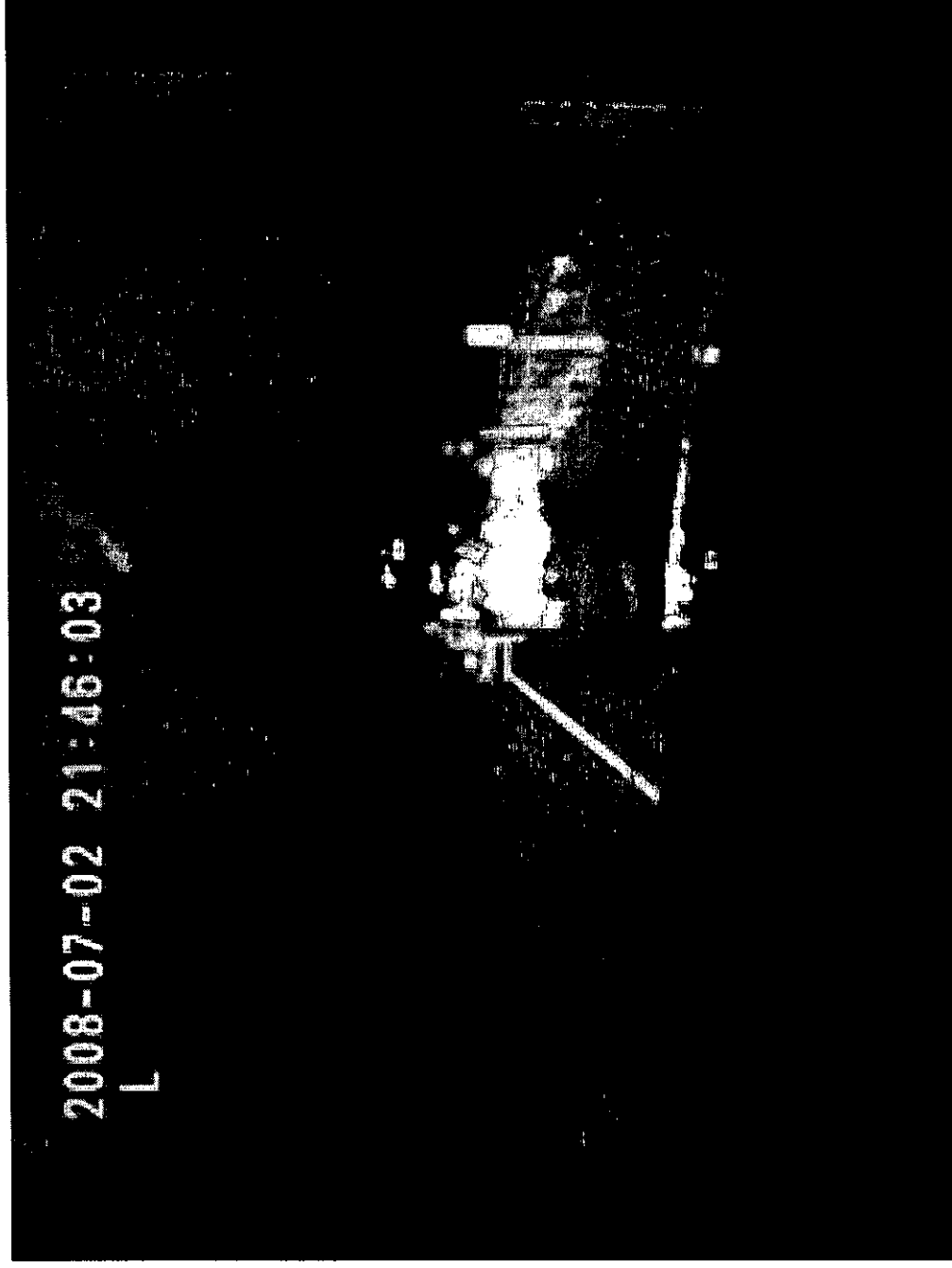
2008-08-09 02:13:17

LB



Suspect flees vehicle on foot and physically resists capture.

# Taser Incident



Suspect is questioned for Driving Under the Influence. Destroys in-car video camera and resists arrest.

January 2009

**STATE FLEET SERVICES - RENTAL RATES**

This memorandum provides information regarding vehicle rental rates charged by State Fleet Services and the methodology used to develop the rates.

**RENTAL RATES**

The table below provides information regarding the rental rates charged to state agencies by State Fleet Services for use of the following vehicle classes since May 2007:

State Fleet Rental Rates (Per Mile)								
Vehicle Class	May 2007	August 2007	November 2007	February 2008	May 2008	August 2008	November 2008	2009-11 Estimate <sup>1</sup>
Sedan	\$0.26	\$0.27	\$0.27	\$0.27	\$0.30	\$0.29	\$0.31	\$0.40
Minivan	\$0.42	\$0.39	\$0.39	\$0.39	\$0.44	\$0.38	\$0.42	\$0.56
Highway Patrol vehicle	\$0.50	\$0.53	\$0.51	\$0.51	\$0.56	\$0.49	\$0.59	\$0.70
Game enforcement vehicle	\$0.38	\$0.37	\$0.33	\$0.33	\$0.40	\$0.40	\$0.45	\$0.59

<sup>1</sup>Based on 2009-11 budget guidelines issued to state agencies by State Fleet Services in February 2008.

A listing of the rates charged for all vehicle classes during the 2007-09 biennium and anticipated 2009-11 rates is attached as Appendix A.

**COMPUTATION OF RENTAL RATES**

State Fleet Services uses three components to determine vehicle class rental rates. Rates are adjusted quarterly based on changes in each of the component areas. The components include:

**Operating rate** - The operating rate is determined by combining the cost of fuel, parts, labor, repairs, and overhead expenses of a vehicle class over a year and dividing the cost by the total miles or hours rented in the vehicle class over the same time period.

**Depreciation rate** - The depreciation rate is computed by estimating the miles or hours the vehicle will be in service, the number of years the vehicle will be in service, and the anticipated resale value of the vehicle. The formula deducts the resale price from the purchase price and divides the result by the average number of estimated miles or hours of vehicle class use.

**Replacement rate** - The replacement rate is used to recover costs associated with the inflation of new vehicle purchases. The calculation deducts the purchase price of the vehicle from the anticipated future vehicle replacement cost and divides the result by the estimated number of miles or hours of vehicle use. Depending on anticipated replacement costs, some classes of vehicles may not have a replacement rate charge.

Additional information regarding the rental rate computations used by State Fleet Services is attached as Appendix B.

ATTACH:2

# **NORTH DAKOTA DEPARTMENT OF TRANSPORTATION STATE FLEET SERVICES RENTAL RATES**

April 24, 2007

**May 1, 2007**

DESCRIPTION	GROUP NO.	OPERATING RATE	DEPRECIATION RATE	REPLACEMENT RATE	MILE/HOUR RATE
Mini Pass. Van	1	0.210	.210	---	.420
Sedan/Wagon	2	0.165	.095	---	.260
Light Pickup/Cargo Van/Full-Size Utility	3	0.290	.170	---	.460
Heavy Pickup/Van/Full-Size Utility	4	0.390	.140	---	.530
Highway Patrol	7	0.300	.200	---	.500
Game Enforcement/Special	9	0.230	.150	---	.380
Facility Service Vehicle	12	0.690	.380	.030	1.100
Compact Utility/All	13	0.250	.200	.030	.480
Miscellaneous Truck/Mid-Size Bus	18	19.020	12.930	2.050	34.000
Distributor Truck	19	38.876	13.000	3.124	55.000
Sign Truck/Garbage Truck	20	15.093	5.680	2.227	23.000
Single Axle Truck/All	21	26.870	5.130	---	32.000
Tandem Axle Truck/All	22	33.280	8.954	13.766	56.000
Truck Tractor	23	28.200	5.950	3.850	38.000
Rotary Snowplow	24	54.000	6.000	----	60.000
Motor Coach	26	43.864	10.970	6.166	61.000
Water Well Drill Truck	27	14.000	16.000	5.000	35.000
Lineworker Truck	29	12.640	37.360	---	50.000
Shuttle Bus	30	16.590	3.630	6.780	27.000
Fuel Truck	31	6.850	0.150	---	7.000
Drill Truck	32	31.450	36.550	---	68.000

**NORTH DAKOTA DEPARTMENT OF TRANSPORTATION  
STATE FLEET SERVICES RENTAL RATES**

August 15, 2007

**August 1, 2007**

DESCRIPTION	GROUP NO.	OPERATING RATE	DEPRECIATION RATE	REPLACEMENT RATE	MILE/HOUR RATE
Mini Pass. Van	1	0.210	.180	—	.390
Sedan/Wagon	2	0.160	.110	—	.270
Light Pickup/Cargo Van/Full-Size Utility	3	0.316	.184	—	.480
Heavy Pickup/Van/Full-Size Utility	4	0.400	.190	—	.590
Highway Patrol	7	0.280	0.250	—	.530
Game Enforcement/Special	9	0.260	.110	—	.370
Facility Service Vehicle	12	0.650	.450	.030	1.130
Compact Utility/All	13	0.250	.230	.010	.490
Miscellaneous Truck/Mid-Size Bus	18	22.000	17.000	2.000	41.000
Distributor Truck	19	50.000	22.000	—	72.000
Sign Truck/Garbage Truck	20	14.450	5.300	2.250	22.000
Single Axle Truck/All	21	20.500	7.000	—	27.500
Tandem Axle Truck/All	22	26.000	9.000	15.000	50.000
Truck Tractor	23	26.000	5.000	4.000	35.000
Rotary Snowplow	24	54.000	6.000	—	60.000
Motor Coach	26	42.000	9.000	10.000	61.000
Water Well Drill Truck	27	14.000	16.000	5.000	35.000
Lineworker Truck	29	7.000	24.000	9.000	40.000
Shuttle Bus	30	21.750	3.500	3.750	29.000
Fuel Truck	31	6.600	0.900	1.000	8.500
Drill Truck	32	35.000	77.000	—	112.000

**NORTH DAKOTA DEPARTMENT OF TRANSPORTATION  
STATE FLEET SERVICES RENTAL RATES**

October 23, 2007

**November 1, 2007**

DESCRIPTION	GROUP NO.	OPERATING RATE	DEPRECIATION RATE	REPLACEMENT RATE	MILE/HOUR RATE
Mini Pass. Van	1	0.210	.180	---	.390
Sedan/Wagon	2	0.160	.110	----	.270
Light Pickup/Cargo Van/Full-Size Utility	3	0.296	.164	---	.460
Heavy Pickup/Van/Full-Size Utility	4	0.360	.190	---	.550
Highway Patrol	7	0.260	.250	---	.510
Game Enforcement/Special	9	0.220	.110	----	.330
Facility Service Vehicle	12	0.600	.450	.030	1.080
Compact Utility/All	13	0.230	.230	.010	.470
Miscellaneous Truck/Mid-Size Bus	18	22.000	17.000	2.000	41.000
Distributor Truck	19	38.000	22.000	---	60.000
Sign Truck/Garbage Truck	20	12.450	5.300	4.250	22.000
Single Axle Truck/All	21	15.000	12.000	----	27.000
Tandem Axle Truck/All	22	23.000	12.000	15.000	50.000
Truck Tractor	23	27.000	5.000	5.000	37.000
Rotary Snowplow	24	54.000	6.000	----	60.000
Motor Coach	26	42.000	9.000	10.000	61.000
Water Well Drill Truck	27	14.000	16.000	5.000	35.000
Lineworker Truck	29	7.000	24.000	9.000	40.000
Shuttle Bus	30	21.750	3.500	3.750	29.000
Fuel Truck	31	6.100	.900	1.000	8.000
Drill Truck	32	23.000	77.000	---	100.000

**NORTH DAKOTA DEPARTMENT OF TRANSPORTATION  
STATE FLEET SERVICES RENTAL RATES**

January 25, 2008

**February 1, 2008**

DESCRIPTION	GROUP No	OPERATING RATE	DEPRECIATION RATE	REPLACEMENT RATE	MILE/HOUR RATE
Mini Pass. Van	1	0.210	.180	---	.390
Sedan/Wagon	2	0.160	.110	---	.270
Light Pickup/Cargo Van/Full-Size Utility	3	0.286	.164	---	.450
Heavy Pickup/Van/Full-Size Utility	4	0.360	.190	---	.550
Highway Patrol	7	0.260	.250	---	.510
Game Enforcement/Special	9	0.220	.110	---	.330
Facility Service Vehicle	12	0.600	.450	.030	1.080
Compact Utility/All	13	0.230	.230	.010	.470
Miscellaneous Truck/Mid-Size Bus	18	23.000	13.000	2.000	38.000
Distributor Truck	19	38.000	22.000	---	60.000
Sign Truck/Garbage Truck	20	16.450	5.300	4.250	26.000
Single Axle Truck/All	21	28.000	12.000	---	40.000
Tandem Axle Truck/All	22	33.000	12.000	15.000	60.000
Truck Tractor	23	32.000	5.000	5.000	42.000
Rotary Snowplow	24	54.000	6.000	----	60.000
Motor Coach	26	46.000	9.000	10.000	65.000
Water Well Drill Truck	27	14.000	16.000	5.000	35.000
Lineworker Truck	29	7.000	24.000	9.000	40.000
Shuttle Bus	30	17.750	3.500	3.750	25.000
Fuel Truck	31	5.100	.900	2.000	8.000
Drill Truck	32	23.000	77.000	---	100.000



**NORTH DAKOTA DEPARTMENT OF TRANSPORTATION  
STATE FLEET SERVICES RENTAL RATES**

April 24, 2008

**May 1, 2008**

DESCRIPTION	GROUP NO.	OPERATING RATE	DEPRECIATION RATE	REPLACEMENT RATE	MILE/HOUR RATE
Mini Pass. Van	1	0.260	.180	---	.440
Sedan/Wagon	2	0.190	.110	---	.300
Light Pickup/Cargo Van/Full-Size Utility	3	0.336	.164	---	.500
Heavy Pickup/Van/Full-Size Utility	4	0.410	.190	---	.600
Highway Patrol	7	0.330	.230	---	.560
Game Enforcement/Special	9	0.290	.110	---	.400
Facility Service Vehicle	12	0.720	.450	.030	1.200
Compact Utility/All	13	0.250	.230	.010	.490
Miscellaneous Truck/Mid-Size Bus	18	24.000	13.000	2.000	39.000
Distributor Truck	19	38.000	22.000	---	60.000
Sign Truck/Garbage Truck	20	24.450	5.300	4.250	34.000
Single Axle Truck/All	21	31.000	12.000	---	43.000
Tandem Axle Truck/All	22	44.000	9.000	12.000	65.000
Truck Tractor	23	42.000	5.000	5.000	52.000
Rotary Snowplow	24	70.000	0.000	----	70.000
Motor Coach	26	51.000	9.000	10.000	70.000
Water Well Drill Truck	27	14.000	16.000	5.000	35.000
Lineworker Truck	29	7.000	24.000	9.000	40.000
Shuttle Bus	30	17.750	3.500	3.750	25.000
Fuel Truck	31	5.100	.900	2.000	8.000
Drill Truck	32	30.000	30.000	----	60.000

**NORTH DAKOTA DEPARTMENT OF TRANSPORTATION  
STATE FLEET SERVICES RENTAL RATES**

August 13, 2008

August 1, 2008

DESCRIPTION	GROUP NO.	OPERATING RATE	DEPRECIATION RATE	REPLACEMENT RATE	MILE/HOUR RATE
Mini Pass. Van	1	0.240	.140	---	.380
Sedan/Wagon	2	0.180	.110	---	.290
Light Pickup/Cargo Van/Full-Size Utility	3	0.335	.175	---	.510
Heavy Pickup/Van/Full-Size Utility	4	0.420	.230	---	.650
Highway Patrol	7	0.290	.200	---	.490
Game Enforcement/Special	9	0.290	.110	---	.400
Facility Service Vehicle	12	0.830	.520	---	1.350
Compact Utility/All	13	0.240	.250	---	0.490
Miscellaneous Truck/Mid-Size Bus	18	24.000	16.000	2.000	42.000
Distributor Truck	19	23.000	10.000	17.000	50.000
Sign Truck/Garbage Truck	20	22.000	8.000	5.000	35.000
Single Axle Truck/All	21	31.000	12.000	---	43.000
Tandem Axle Truck/All	22	43.000	10.000	12.000	65.000
Truck Tractor	23	43.000	7.000	5.000	55.000
Rotary Snowplow	24	90.000	---	---	90.000
Motor Coach	26	58.000	19.000	---	77.000
Water Well Drill Truck	27	14.000	16.000	5.000	35.000
Lineworker Truck	29	8.000	28.000	9.000	45.000
Shuttle Bus	30	17.750	3.500	3.750	25.000
Fuel Truck	31	4.000	.750	3.250	8.000
Drill Truck	32	25.000	5.000	---	30.000

**NORTH DAKOTA DEPARTMENT OF TRANSPORTATION  
STATE FLEET SERVICES RENTAL RATES**

October 27, 2008

**November 1, 2008**

DESCRIPTION	GROUP NO.	OPERATING RATE	DEPRECIATION RATE	REPLACEMENT RATE	MI/HR. RATE
Mini Pass. Van	1	0.280	.140	---	.420
Sedan/Wagon	2	0.190	.110	0.010	.310
Light Pickup/Cargo Van/Full-Size Utility	3	0.385	.175	---	.560
Heavy Pickup/Van/Full-Size Utility	4	0.520	.230	---	.750
Highway Patrol	7	0.390	.200	---	.590
Game Enforcement/Special	9	0.340	.110	---	.450
Facility Service Vehicle	12	0.580	.520	---	1.100
Compact Utility/All	13	0.310	.250	---	0.560
Miscellaneous Truck/Mid-Size Bus	18	23.000	12.000	6.000	41.000
Distributor Truck	19	38.000	10.000	17.000	65.000
Sign Truck/Garbage Truck	20	25.000	8.000	5.000	38.000
Single Axle Truck/All	21	40.000	12.000	---	52.000
Tandem Axle Truck/All	22	53.000	10.000	12.000	75.000
Truck Tractor	23	45.000	7.000	5.000	57.000
Rotary Snowplow	24	90.000	---	---	90.000
Motor Coach	26	58.000	19.000	---	77.000
Water Well Drill Truck	27	14.000	16.000	5.000	35.000
Lineworker Truck	29	8.000	28.000	9.000	45.000
Shuttle Bus	30	18.750	3.500	3.750	26.000
Fuel Truck	31	5.000	.750	3.250	9.000
Drill Truck	32	45.000	5.000	---	50.000

## MEMORANDUM

TO: All State Agencies/Institutions

FROM: Paul Hanson  
State Fleet Services Director

DATE: February 25, 2008

SUBJECT: State Fleet Services 2009-2011 Biennium Budget Guidelines

The State Fleet Services budget guidelines for the 2009-2011 biennium are attached and explained as follows:

1. The mileage/hourly rates consist of two components: Operating costs and depreciation.
  - a. Operating costs include parts, fuel, insurance, labor, shop overhead, and administration, divided by usage and charged back on a per-mile/hour basis.
  - b. Depreciation is the actual cost, less salvage value of the fleet, spread over the estimated useful life of the vehicle, divided by usage and charged back on a per-mile/hour basis.
2. The replacement rate is the difference between what is needed to purchase new vehicles, and the amount that is recovered through the depreciation portion of the rate. Because this rate is to fund replacement costs, it cannot be charged to federal programs. The replacement rate also funds additional vehicle needs. Agencies are to budget the total of the mileage/hour rate, and the replacement rate. The funding source for the replacement rate must be either general or special funds.

You will notice across-the-board increases because fuel costs, commercial repairs, and labor have continued to increase. However, State Fleet Services is making every effort to keep these rising costs at a minimum. Minimum mileage standards have been implemented for the past two years for several of the newly purchased vehicles to offset rising fuel costs.

Depreciation is on the rise for almost all groups as a result of the increasing purchase price for all vehicles and in some instances declining sales revenue or usage.

The attached budget guidelines reflect our best estimate of potential costs for the next biennium. Keep in mind that many factors can increase or decrease the rental rates.

All agencies anticipating increases in monthly rentals must identify in writing the number of units, and which rental group will be affected so State Fleet Services can plan accordingly.

Each agency/institution's mileage may be determined by referring to the monthly billing report.

Should you have any questions, please contact us.

JB  
Attachment  
C: Tim Horner

# NORTH DAKOTA DEPARTMENT OF TRANSPORTATION

(February 25, 2008)

## STATE FLEET SERVICES BUDGET GUIDELINES 2009-2011 BIENNIUM

DESCRIPTION	GROUP NO.	RATE	REPLCMT RATE	MILE/HOUR RATE
Mini Pass. Van	1	0.530	0.03	0.560
Sedan/Wagon	2	0.380	0.02	0.400
Light Pickup/Cargo Van/Full-Size Utility	3	0.620	0.03	0.650
Heavy Pickup/Van/Full-Size Utility	4	0.720	0.05	0.770
Highway Patrol	7	0.650	0.05	0.700
Game Enforcement/Special	9	0.560	0.03	0.590
Facility Service Vehicle	12	1.270	0.08	1.350
Compact Utility/All	13	0.580	0.06	0.640
Miscellaneous Truck/Mid-Size Bus	18	41.000	5.00	46.000
Distributor Truck	19	50.000	5.00	55.000
Sign Truck/Garbage Truck	20	30.000	5.00	35.000
Single Axle Truck/All	21	40.000	5.00	45.000
Tandem Axle Truck/All	22	60.000	15.00	75.000
Truck Tractor	23	50.000	5.00	55.000
Rotary Snowplow	24	95.000	5.00	100.000
Motor Coach	26	80.000	10.00	90.000
Water Comission Truck	27	45.000	0.000	45.000
Lineworker Truck	29	35.000	10.00	45.000
Shuttle Bus	30	24.000	7.00	31.000
Fuel Truck	31	8.500	3.50	12.000
Drill Truck	32	90.000	10.00	100.000

## STATE FLEET VEHICLE RENTAL RATES

There are three components to the rental rates of state fleet vehicles. They are operating, depreciation, and replacement. The operating and depreciation can be charged to federal projects, however the replacement rate cannot.

### Operating Rate

To determine the operating rental rate, the following components are included in the calculation:

1. Direct Labor and Payroll Additives.
2. Parts, Fuel, Commercial Repairs, Etc.
3. State Fleet Services Overhead.
4. Shop Overhead.
5. The rate computation will include the adjustment for over/under applied revenues.

These costs are rolled up over a 12 month period and then divided by the 12 month usage to arrive at an actual cost operating rate per mile/hour. We review these costs quarterly and make adjustments to the rate to avoid as much over/under applied revenue as possible.

For Example: The group 07 Highway Patrol vehicles had a 05-06 fiscal year expense of \$988,433 plus under applied revenue of \$119,698 for a total of \$1,108,131 with total miles driven of 3,271,603 for an actual operating rate of \$0.338.

### Depreciation Rate

To determine the depreciation rental rate the following components are used in the calculation:

1. Miles or hours vehicle to be in service.
2. Years vehicle to be in service.
3. The rate computation will include the adjustment for gain/loss from sale.

Financial Management Division will use this information as well as the estimated salvage value to determine the current depreciation schedule to be assigned to each group of new units. Estimated salvage value is based on a percentage of new vehicle cost as dictated by recent auctions. All vehicle depreciation is straight line over the useful months' life of the vehicle minus the estimated salvage value. The rate is computed annually on a per mile/hour basis to collect the revenue over the average expected life of the vehicles in each group.

For example: The group 09 Game & Fish enforcement pickup is sold after 3 years with an average of 80,000 miles. The purchase price 3 years ago was \$20,200 and the average sale price is \$7,400 for a total cost of ownership of \$12,800. This equates to a depreciation cost per mile of \$0.16.

### Replacement Rate

The purpose of the replacement rate is to recover the cost associated with inflation of new vehicle prices from the time a new vehicle is purchased until the time it is to be replaced and/or the addition of new vehicles to a group to meet the state's needs.

For example: if the purchase price of a truck was \$36,000 in 1991 and to replace it at 15 years in 2006 with a truck that costs \$82,000 the difference of \$46,000 needs to be collected through the replacement rate to keep the fleet from going into a deficit. If the expected life of all of the trucks in that group is an average of 10,000 hours and all trucks in that group were going to inflate by \$46,000, a rate of \$4.60 per hour would have to be collected over the life of all of the trucks in that group.

If the new prices remain flat within a group or there are no new additions to the group the replacement rate may not be needed for periods of time. The sedans that are being purchased today are actually costing less than they did 4 years ago and the group is not increasing in size so therefore no replacement cost is needed in that group.

### Replacement Guidelines

The following are examples of the guidelines used to replace some of the vehicle groups:

Group	Replacement age	Target miles/hours
01 Mini Passenger Vans	6 Years	75,000 Miles
02 Sedans	5 Years	70,000 Miles
04 Heavy Duty Pickups and Vans	7 Years	85,000 Miles
07 Highway Patrol Vehicles	3 ½ Years	70,000 Miles
09 Game & Fish Enforcement Pickups	3 Years	80,000 Miles
13 Compact SUV	6 Years	85,000 Miles
21 Single Axle Snow Plow Truck	15 Years	10,000 Hours
22 Tandem Axle Snow Plow Truck	17 Years	10,000 Hours

**NORTH DAKOTA DEPARTMENT OF TRANSPORTATION  
STATE FLEET SERVICES**

**LICENSED MOTOR VEHICLES  
DEPRECIATION SCHEDULE**

January 1, 2009

DESCRIPTION	GROUP NO.	LIFE IN MONTHS	SALVAGE PERCENT
Mini-Passenger Van	1	72	20
Sedan/Wagon	2	60	35
Light Pickup/Cargo Van/Full-Size Utility	3	96	25
Heavy Pickup/ Van/Full-Size Utility	4	84	25
Highway Patrol	7	42	25
Game Enforcement /Special	9	36	40
Facility Service Vehicle	12	144	10
Compact Utility/All	13	72	20
Miscellaneous Truck/Mid-Size Bus	18	144	25
Distributor	19	240	25
Sign Truck/Garbage Truck	20	180	15
Single Axle Truck/All	21	180	25
Tandem Axle Truck/All	22	204	25
Truck Tractor	23	180	25
Rotary Snowplow	24	420	15
Motor Coach	26	180	10
Water Well Drill Truck	27	378	10
Lineworker Truck	29	240	15
Shuttle Bus	30	240	15
Fuel Truck	31	180	25
Drill Truck	32	240	10

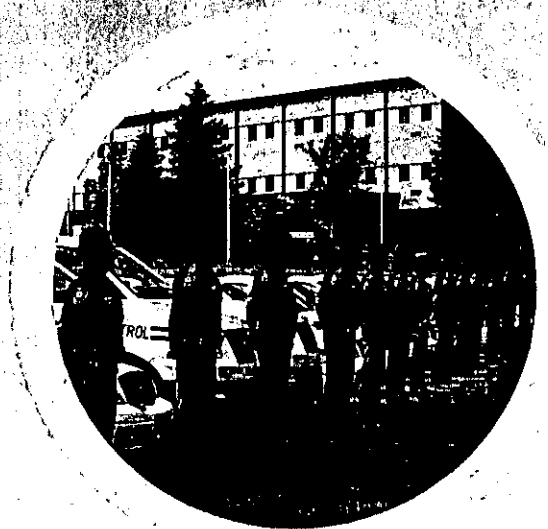
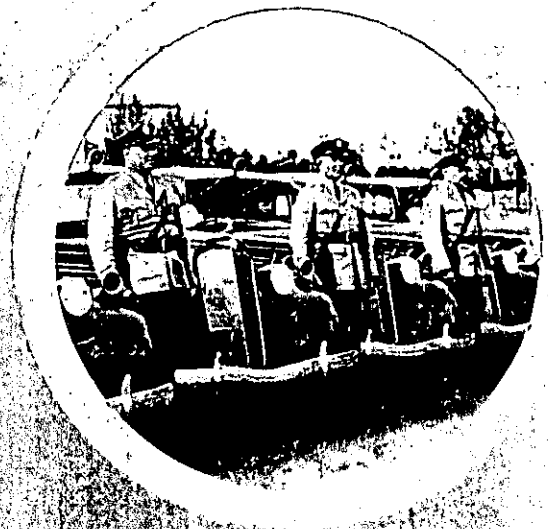


# NORTH DAKOTA HIGHWAY PATROL

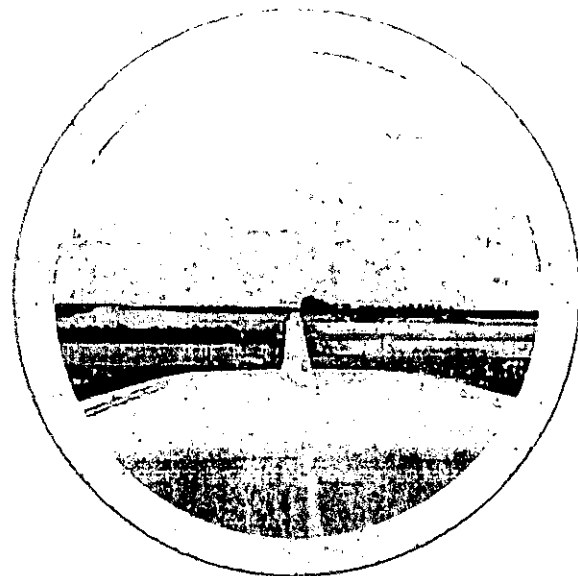
*our  
pathway  
to the  
future*

multi year plan

2008 - 2012

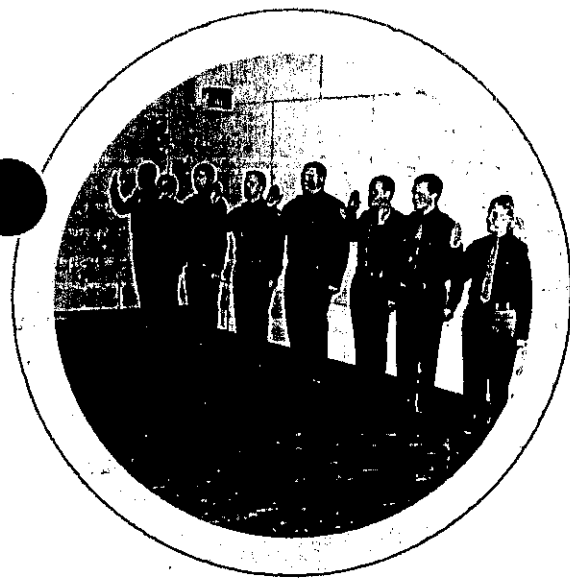


*on the move*



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## mission, vision, & values

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

Public safety through quality service.

We will show allegiance to ourselves, our department, the state of North Dakota, our community, and to those who came before us and sacrificed so much to ensure the safety of our citizens.

We are honest, responsible, and ethical. Citizens place the highest trust in the NDHP. Each member must recognize that they are held to a higher standard of accountability than the public. We must always be mindful to NEVER violate the public trust. Our conduct, both on and off duty, must be beyond reproach.

To fulfill the vision of the NDHP, each employee must deliberately carry out their duties and responsibilities to the best of their abilities.

We value each other and all members of our community regardless of age, race, gender, appearance, individual beliefs or lifestyles. We will always show understanding, respect, and appreciation for our similarities and differences.

As professionals, we conform to the technical and ethical standards of our profession. Because we are highly trained and dedicated, we are capable of handling the daily demands of law enforcement and devoting our full energy and talents to the department's vision.

Employees at all levels and ranks must accept responsibility for their actions in both their personal lives and their professional lives.

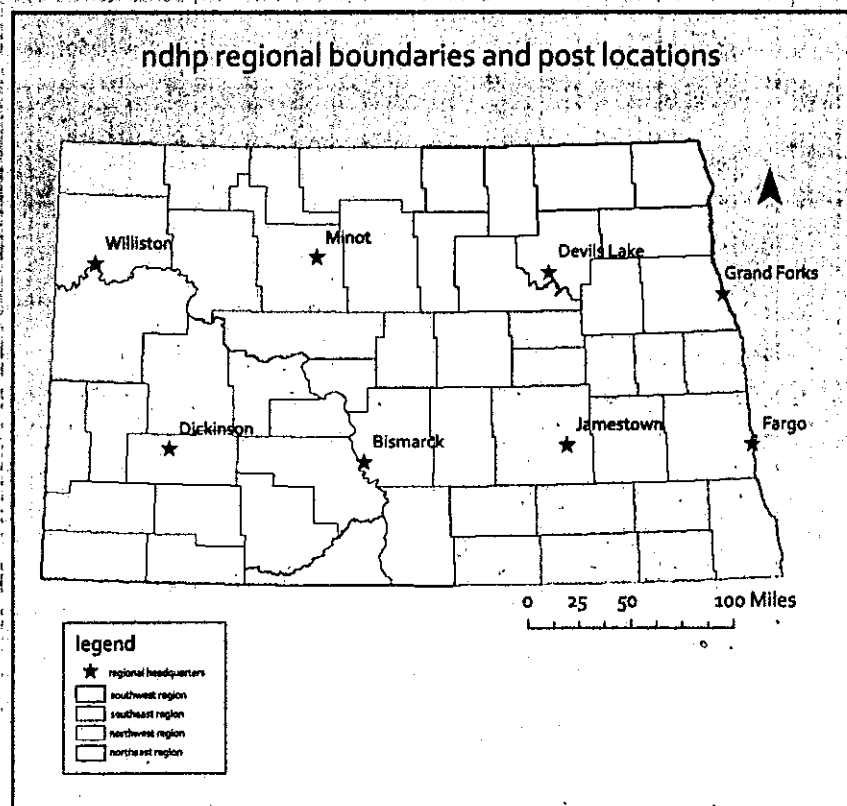


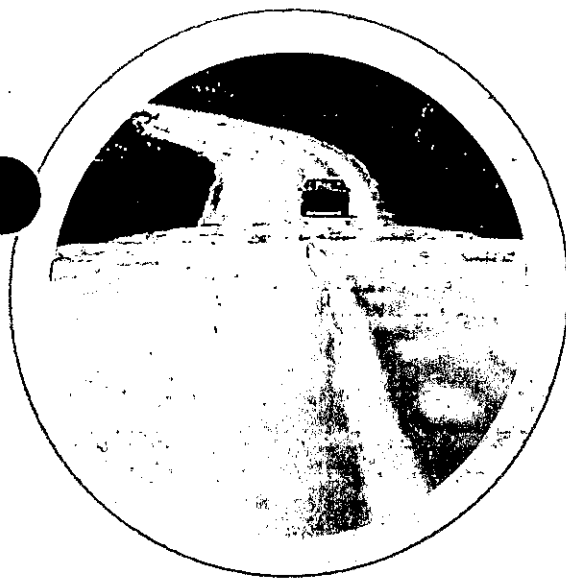
## OVERVIEW

The North Dakota Highway Patrol's (NDHP) primary duty is to keep the motoring public safe as they travel the state's 70,000 square miles. We do this through law enforcement and service. We are the main authority for enforcing laws and regulations relating to the commercial vehicle industry. The NDHP provides security for the State Capitol and elected government officials. The NDHP partners with local agencies to provide assistance when situations arise that exceed the limits of local resources. The Patrol oversees the operation, maintenance, and administration of the Law Enforcement Training Academy. The Academy provides basic training for all officers in North Dakota.

The NDHP currently has 191 authorized positions: 140 sworn and 51 civilian. The Superintendent is our leader, and ultimately responsible for the Patrol. The NDHP is divided into 3 divisions: Field Operations, Administrative Services, and Support Services. Each division is led at headquarters by a division commander.

Field Operations divides the state into 4 regions (shown below): Northeast, Southeast, Northwest, and Southwest. This allows for high visibility on the state's 7,382 miles of highway. Each region is under the supervision of an administrative commander.





## environmental assessment

North Dakota has more miles of roads per capita than any other state in the nation with approximately 166 miles of road for every 1,000 people. There are 7382 miles of U.S., state, and federal highways. As a result, we have a very large network of roadways to patrol. With the number of vehicle miles traveled steadily increasing (see Figure 1), this becomes an even greater challenge for our troopers.

Similarly, while the number of licensed drivers in the state has remained relatively constant, the number of registered vehicles is increasing (see Figure 2). This is significant for the Highway Patrol, because it reflects an increasing customer base for a fixed amount of troopers.

An even greater concern for the NDHP, and the citizens of North Dakota, is the rising fatality rate (see Figure 3). The fatality rate is based on deaths per 100 million vehicle miles traveled (VMT).

While the population of the state as a whole is relatively constant (See Figure 4), we are seeing a shift in where the population is located. Urban areas across the state are increasing in population density. This poses two challenges for the Highway Patrol. Rural areas are harder to patrol as the population becomes more spread out. Urban areas require additional man power to provide adequate service to the growing numbers.

figure 1

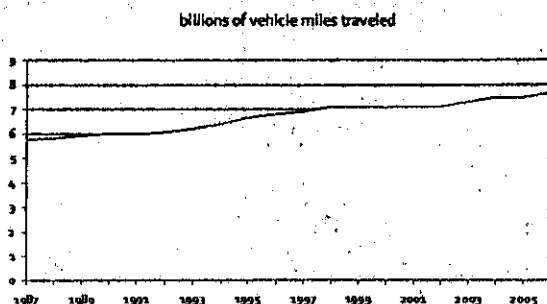


figure 2

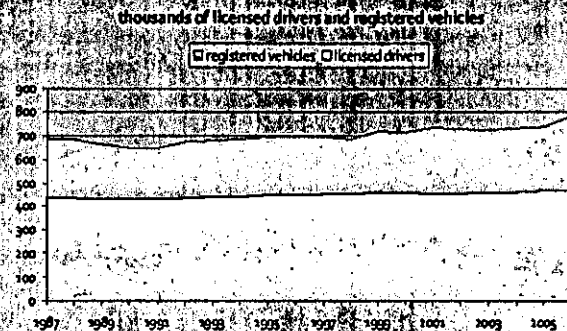


figure 3

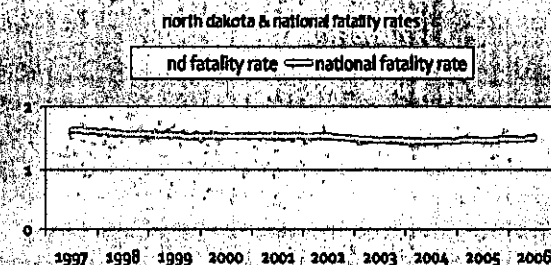
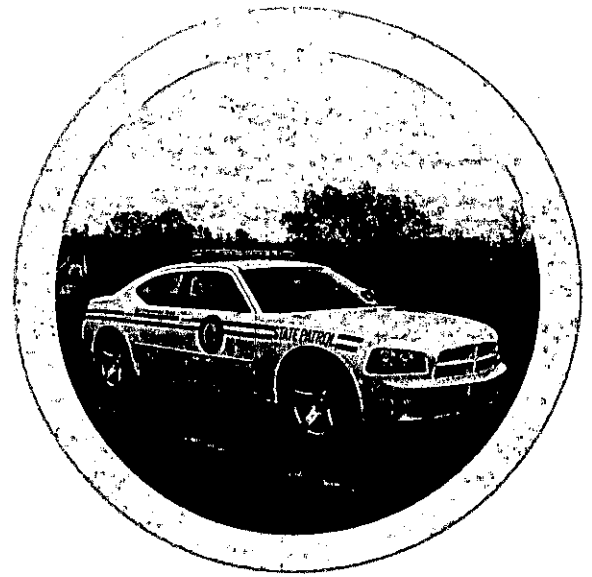


figure 4

region	2000	2005	2010
northwest	122,662	122,809	123,189
northeast	149,373	157,007	157,493
southwest	162,418	162,468	162,969
southeast	207,747	203,664	204,293
statewide	642,200	645,948	647,944



## NEWS AND COMMENT

### personnel projections

In order to be at full sworn strength with our current vacancies (see figure 1) and consideration for projected retirement, we will need to hire ten to twelve troopers. The recruits will be hired in August, 2008.

Due to the population shift described in the environmental assessment, and the expected increase in population, we are anticipating a need for twelve additional sworn positions and one support position (see figure 2).

### equipment

In addition to the regular equipment replacement schedule (see figure 3), we will also be researching GPS units for each squad car and digital cameras for each trooper.

### capital improvements

Maintenance free exteriors, including window replacements are needed for the weigh/inspection stations located in Williston, Joliette, West Fargo, Mooreton, Bowman, and Beach. Scale platform improvements and interior remodeling are needed as well.

In the coming years, we will need to relocate and construct a new training academy facility. We also need a new office for the Southeast Region and a facility that would combine the HP headquarters, HP's Southwest Regional office, and Department of Transportation's Motor Vehicle and Drivers License Division.

figure 1

june 2008 personnel chart			
classification	authorized positions	present positions	vacant positions
sworn	*140	131	9
capitol security	7	7	0
mcsap program	13	13	0
support	31	31	0
<b>totals</b>	<b>*191</b>	<b>182</b>	<b>9</b>

\* = unfunded positions.

figure 2

personnel projection for 10 years and beyond			
classification	authorized positions	projected positions	total change
sworn	142	154	12
capitol security	7	7	0
mcsap program	13	13	0
support	31	32	1
<b>totals</b>	<b>193</b>	<b>206</b>	<b>13</b>

figure 3

equipment replacement schedule		
type	lifecycle	latest cycle completed
emergency lighting	8 years	2006
mobile radios	10 years	2006
portable radios	6 years	2008
traffic radar	5 years	yearly
lidar	6 years	yearly
in-car video	8 years	2009
ruggedized laptops	4 years	half per biennium



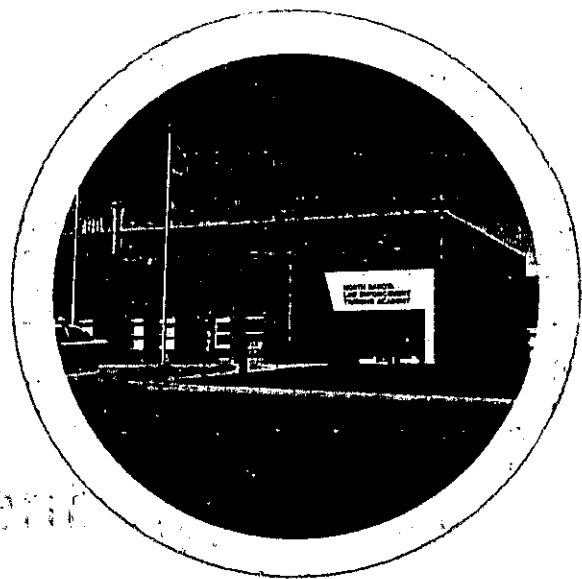


## operational goals

Our agency is built on 7 key operational goals that drive our troopers to make a difference in the state of North Dakota every day.

1. Concentrate efforts towards patrolling highways and being visible.
2. Reduce crashes and investigate when they do occur.
3. Impact alcohol abuse relating to DUI and underage consumption and the tragedies that happen on our highway as a result.
4. Impact criminal activity occurring in our state.
5. Protect highway infrastructure and provide for the safe movement of goods and services through an effective motor carrier program.
6. Provide quality service to the public.
7. Hold individuals, not groups or regions, accountable for their actions, good or bad.

The NDHP's strategic plan for the coming years is comprised of 4 goals that complement the Operational Goals we strive towards on a daily basis: provide a secure environment, public safety on the highways, enhance relationships, enhance employee welfare. The following pages provide details for both our long term strategic objectives and our short term operational objectives to attain these goals. It is important to note that this is a "living document" and will continue to be evaluated and discussed annually throughout the coming years.



## PROVIDING INFORMATION TO THE PUBLIC

### OVERVIEW

While the Highway Patrol has grown over the years, our available space has remained the same. Improvements are needed to bolster our compliance with national standards. Lease requirements are becoming cost prohibitive. Inadequate space hinders effective operations. Often times regions are required to lease space for training needs and regional meetings. As a result, planning can be difficult since other organizations may require the same space.

With today's heightened awareness, it is vital to provide citizens with avenues to share valuable information.

### STRATEGIC OBJECTIVES

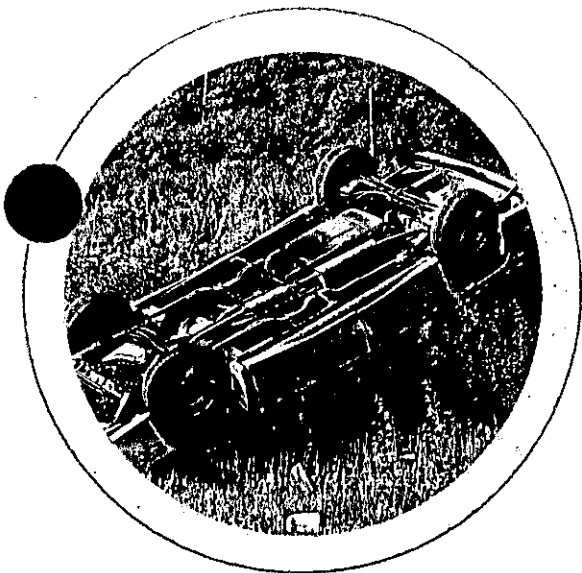
1. Evaluate the need for increased coverage by 2011 and assign personnel accordingly.
2. Develop plans for regional facility needs by 2009.
3. Study training facility needs by 2011.
4. Revise website to include a link to report suspicious activity to the Fusion Center by 2010.

### OPERATIONAL OBJECTIVES

1. Increase use of aircraft equipped with FLIR for searches and special enforcement operations.
2. Increase use of canines and canine handlers for searches and criminal interdiction operations.
3. Utilize members of the department's emergency response team more.
4. Emphasize looking "beyond the stop" for criminal activity.
5. Maintain cooperative relations with HIDTA at both the regional and national level.
6. Participate in special interdiction enforcement operations.
7. Continue participation on the Post Seizure Analysis Team.
8. Continue participation in the Fusion Center.
9. Enhance sworn presence in security operations at the State Capitol.







## COMMERCIAL SAFETY ON HIGHWAY

### OVERVIEW

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

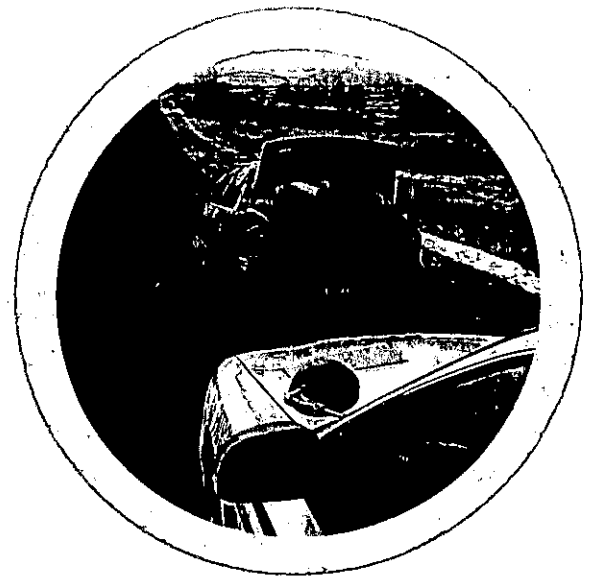
While statewide survey results show the number of individuals using seatbelts to be at an all-time high (82.2%), approximately 66% of those killed in 2006 were not restrained.

### Strategic Objectives

1. Reduce injury crash rate per 100 million VMT to 50 by 2012.
2. Reduce fatal crash rate per 100 million VMT to 1.26 by 2012.
3. Reduce percentage of alcohol-related fatality crashes to 40% by 2012.
4. Increase the statewide seat belt usage rate to 85% by 2012.
5. Establish a baseline for CMV out-of-service violations by 2010.
6. Evaluate, develop, and implement educational programs by 2009.

### Operational Objectives

1. Troopers to average 109 road patrol hours per month.
2. Sergeants to average 69 road patrol hours per month.
3. Conduct a minimum of 20 sobriety checkpoints statewide.
4. Increase patrol presence in and around Reservations and rural areas.
5. Active participation in special enforcement programs.
6. Motor Carrier Troopers to average 250 inspections per trooper.
7. Traffic Troopers to average 32 Level III inspections per trooper.
8. MCSAP personnel will complete tasks as outlined in their plans.
9. Troopers with WIM software will monitor WIM locations.
10. Regional commanders will schedule motor carrier saturations.
11. Motor carrier troopers will dedicate a minimum of 50 percent of their time to motor carrier duties.
12. A minimum of 2,912 hours will be worked at fixed scale locations.
13. Both fixed sites and portable scales will be utilized for enforcement of suspected violations of legal weight limitations.



## Performance Measurement

### Overview

The NDHP has many stakeholders. Taxpayers, the governor, legislators, and the motor carrier industry are only a few of the groups external to the organization that have some influence on or vested interest in the Patrol and its services.

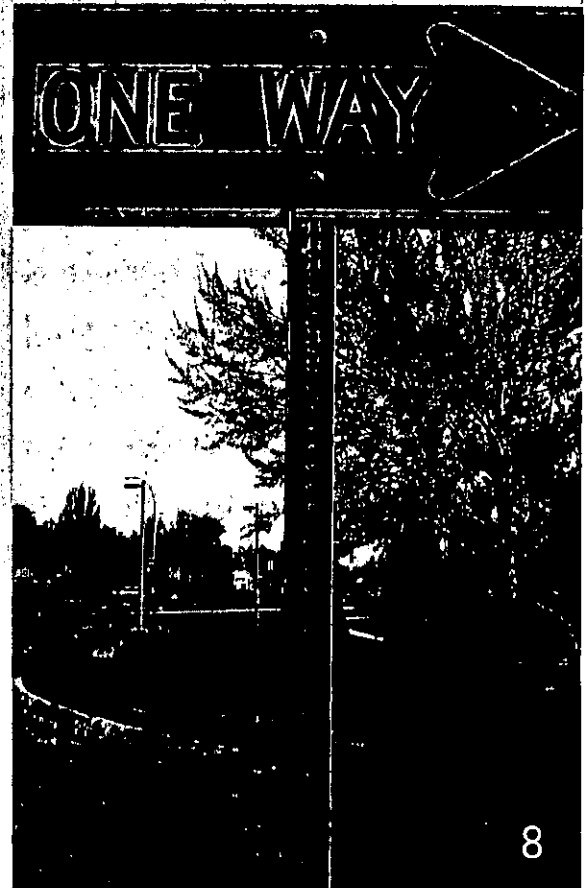
Today's technology give us a wealth of information at our fingertips. By utilizing this tool for a citizen survey we are ensuring that all of our stakeholders have an opportunity to give us their opinions. We can also use the Internet to make it easier to request safety talks from our officers. It is just one more way to make sure we are always there for the citizens of North Dakota.

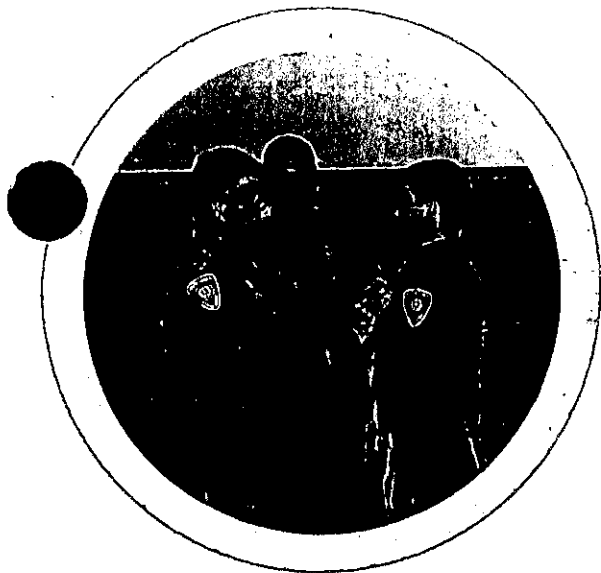
### Strategic Objectives

1. Revise website to include a link for customer satisfaction survey by 2009.
2. Revise website to include a link for requests for safety talks by 2009.

### Strategic Objectives

1. All complaints filed against our employees will be thoroughly investigated by the agency in a timely manner.
2. Field Operations will actively solicit participation in public presentations to schools and community organizations.
3. Field Operations will maintain regular contact with other law enforcement agencies.
4. Implement the "We Need to Talk" program in all regions.
5. Hold No Zone Demonstrations.
6. Increase media contacts following special enforcement programs.
7. Regional commanders will provide timely reports to the media on special enforcement operations.





Thank employee well

## NORTH DAKOTA PEACE OFFICERS

DEDICATED TO THE MEMORY  
OF THOSE PEACE OFFICERS  
WHO HAVE GIVEN THEIR LIVES  
IN THE LINE OF DUTY



### CONCLUSION

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

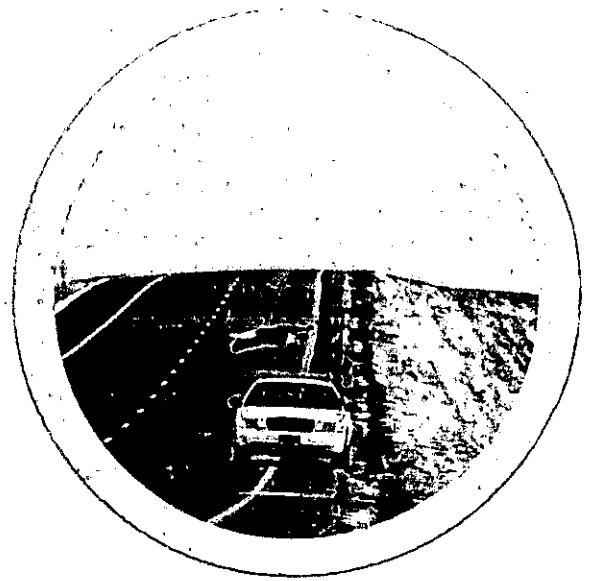
Many of the NDHP's troopers are relatively young in their career. As a result, when our experienced sworn personnel in leadership positions retire, our current officers will have to step up to the challenge. By giving them the tools necessary for them to be successful, we also ensure the well-being of the agency.

### Strategic Objectives

1. Establish an in-house supervisory and leadership training program by 2011.
2. Review compression issues by 2009.
3. Evaluate the implementation of a senior trooper program by 2011.

### Operational Objectives

1. Field Operations will insure that letters of appreciation received at headquarters are presented to the superintendent for recognition.
2. Commanders will recognize employees at scheduled regional meetings for all letters of appreciation or other awards to include recognition for outstanding performance in areas critical to the mission of the agency.
3. Any corrective action taken against an employee will not be discussed with non-management personnel. Discussion among management will be for the purpose of insuring consistency in corrective actions taken.



Since the inception of our Strategic Plan in 2006, we have already accomplished some of our goals:

goal	accomplished
Increase statewide seatbelt usage rate to 80% by 2009.	2007
Prioritize facility needs to provide for better public access by 2008.	2007
Develop an agency-wide wellness program by 2007.	2007
Prepare a comprehensive review of duties, responsibilities, and compensation packages for all employees by 2007.	2007
Reorganize districts in order to have a supervisor on duty every day by 2010.	2007