

**2011 HOUSE APPROPRIATIONS**

**HB 1350**

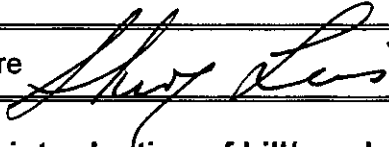
# 2011 HOUSE STANDING COMMITTEE MINUTES

## House Appropriations Committee Roughrider Room, State Capitol

HB 1350  
February 17, 2011  
Recorder Job# 14688

☐ Conference Committee

Committee Clerk Signature



### Explanation or reason for introduction of bill/resolution:

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

### Minutes:

**Chairman Delzer:** Opened the discussion on HB1350.

**Vice Chairman Kempenich:** Introduced the bill and amendments.

**Chairman Delzer:** Is this the set of amendments? I thought there was a different set.

**Vice Chairman Kempenich:** This is the right set.

**Chairman Delzer:** I believe there's another set for HB1350.

**Representative Thoreson:** There are some amendments dated February 16 that are being distributed.

**Chairman Delzer:** The January 11 amendment is an amendment that put before the committee to show the executive changes.

**Representative Kroeber:** We never voted on HB1350 in committee; is that correct?

**Representative Thoreson:** I thought when we made the motion it was on both bills; so I'm not certain.

**Vice Chairman Kempenich:** They were the same amendments, the motion was made that we included HB1350 in the amendments. Technically, we're amending both bills with that one set of amendments. We didn't vote on HB1350 itself, we just voted on the amendments.

**Chairman Delzer:** We have a number of other bills that sat in subcommittee that didn't have a vote that came back; so, we should be ok.

**Vice Chairman Kempenich:** February 16 is the amendment I'm looking at

**Representative Hawken:** Why are we even looking at HB1350; if there wasn't a vote on it. Why wouldn't we just go to the straight budget?

**Vice Chairman Kempenich:** We did vote on the amendments for HB1350.

**Representative Thoreson:** I tried to make it clear at each hearing or discussion that we working on both bills parallel; so that there was no confusion. I had several people ask why we were doing this and I tried to explain it was a pilot project. I would hope that the record would show that we did work on these as one bill.

**Vice Chairman Kempenich:** Continued with the explanation of the amendment.

**Vice Chairman Kempenich:** Made a motion for approval of the amendments.

**Representative Klein:** Seconded the motion

**Chairman Delzer:** Explanation of purpose of amendments in this form.

**Vice Chairman Kempenich:** Continued with explanation of amendment.

**Chairman Delzer:** These are the changes from last time?

**Vice Chairman Kempenich:** From this biennium's budget to this proposed budget coming forward. Explanation continued.

**Chairman Delzer:** And you have on this sheet other proposed changes? Did you make either of those changes; the highway patrol airplane?

**Vice Chairman Kempenich:** It got to be too specialized of a deal.

**Representative Thoreson:** We did talk about that there was some questions with the equipment on that plane. Also on #2 the proposed changes; there was some discussion about the highway tax distribution fund money in this budget. We did not take any action on that.

**Chairman Delzer:** Questions by the committee

**Representative Kaldor:** I'm unclear on the 3 FTE's. Did the agency request 3 less FTE in their base budget?

**Representative Kempenich:** In their base budget presented last summer, yes. To make that cut that the Governor put forward; they reduced their budget. Then in OAR, the Governor added those 3 back in and then they had a proposal for 3 more. For HB1350 purposes it was just 3 FTE's that were in the base budget and we removed.

**Chairman Delzer:** Both of these budgets we're going to be 3 less than we were last biennium.

**Representative Nelson:** Would you explain the plane situation?

**Vice Chairman Kempenich:** It was talked about. They used some drug money in a federal program to purchase this FLIR system. They had an old 182 that they traded in for a 206. The reason we got going on this; we have 7 or 8 planes within just the state agencies and none of them are getting used. What we were going to try to do was base them in state fleet. They had the plane for \$340,000.00; they bought a new plane 2 years ago and then they stuck this FLIR into it for \$200,000.00. That FLIR system takes up most of the back of the plane; they turned a 6 passenger plane into a 2 passenger plane. It defeated the purpose that I had as a multi use airplane. We just dropped the issue.

**Representative Nelson:** Did they have permission to do this through the regular channels?

**Vice Chairman Kempenich:** Last session we talked about it, but there was no specific language that we had that I could see.

**Chairman Delzer:** They used existing operating dollars they did not need elsewhere?

**Representative Kempenich:** I'm assuming that's probably what happened on the purchase of the plane.

**Representative Nelson:** Does any other agency have that flexibility to purchase items over \$5,000.00?

**Chairman Delzer:** I certainly find it rather odd.

**Representative Klein:** That money for that plane with the FLIR system; where they go out and search for people using infrared. That came from Homeland Security.

**Chairman Delzer:** The FLIR system did; but, the plane itself did not.

**Vice Chairman Kempenich:** I guess it's easier to ask for forgiveness than to ask for permission.

**Chairman Delzer:** I don't know what we can do about it. You can't take the plane away.

**Vice Chairman Kempenich:** It bothered me too, that's why I wanted to move it into state fleet.

**Chairman Delzer:** There was nothing done with this, so the amendment doesn't reflect anything.

**Representative Glassheim:** The mileage appears to be an arbitrary reduction, that's fleet services computation of what it costs them to run their machines.

**Chairman Delzer:** Is that fleet services or is that their's?

**Representative Glassheim:** It comes from fleet services and they pass it through. The 3 new positions that were taken out are motor carrier inspectors. We're going to have these 3 new people to inspect overweight trucks; especially in the western part of the state. These are people who trying to protect our investment in the roads in the western part of the state. There was never any case that they weren't needed; it was just an arbitrary number they felt like taking out.

**Vice Chairman Kempenich:** The number on the mileage might be dropping it cents; that was the only way we could figure out to get the overall number.

**Representative Klein:** Correction, that airplane also came from Homeland Security money; along with the FLIR system.

**Representative Hawken:** I didn't hear the answer on the additional highway patrolmen for the western part of the state. I would like some further justification.

**Vice Chairman Kempenich:** There isn't any language on the western part of the state. It was MCSAP money that was on it; that money has nothing to do with weights, it's inspection of trucks. It was our feeling that at that point that money cannot be used for weighing trucks.

**Chairman Delzer:** There is nothing in the bill that keeps them from using 3 more patrol people for inspection if they want to.

**Vice Chairman Kempenich:** There were 5 and we took those 3 out, there's 3 more on top of that that are vacant positions that they could reclassify as inspectors.

**Representative Nelson:** Did the process include going to the emergency for approval of that?

**Representative Klein:** They did go to the emergency commission and ran it through leadership to get that approval at the time.

**Chairman Delzer:** I don't know that it went through budget section. Normally, emergency commission stuff goes through the budget section. Representative Nelson, do you remember seeing anything like that?

**Representative Nelson:** I do not, that's what flagged it with me. Representative Klein you said it went through emergency commission leadership; what does that mean?

**Representative Klein:** The emergency commission, which includes leadership, was appraised of the fact; when they got that money for that system. That was Homeland Security money.

**Representative Nelson:** I don't have a problem with the result, but it seems there may be something wrong with the way this process worked. I'm trying to understand it and I don't.

**Chairman Delzer:** Brady would you do some checking for us and see whether that went through the emergency commission and the budget section?

**Representative Monson:** If I understand the way this amendment works now, the summary is at the top of page 3 of the amendment, and it looks like the 3 vacant FTE's.

**Chairman Delzer:** No, on the bottom of page 2 it says for comparison purposes only. That is what the agency put into OMB. When you look at the top of page 3, when you go below the total it says for comparison purposes; that is what the executive branch recommended. The actual amendment to the bill is on the top of page 2; that the house did.

**Representative Monson:** It looks like 3 vacant FTEs were removed. I just thought I heard Representative Kempenich explain that they could reclassify those 3.

**Vice Chairman Kempenich:** You get those rollouts of what vacant positions are. There were actually 5 identified, and we just found out there's another one also. There are other open positions on top of these 3 that could be reclassified if they so wanted to.

**Chairman Delzer:** You expect if they wanted 3 more scale people that they would reclassify some of the vacant positions and possibly another one to move to the scale?

**Vice Chairman Kempenich:** They could do that.

**Chairman Delzer:** They have the authority to with then.

**Vice Chairman Kempenich:** Because we never pulled any of the MCSAP money or anything like that.

**Representative Kaldor:** Those vacancies, how long have they been vacant?

**Vice Chairman Kempenich:** It varied, from 6 months to a year.

**Chairman Delzer:** One of the problems with vacant FTE positions is all we get is a snapshot, it would be really interesting to have a rolling number from all the agencies about their total number of vacant positions in a normal situation.

**Representative Kaldor:** Did the agency report if they had been recruiting?

**Vice Chairman Kempenich:** They are actively recruiting for academy cadets. They won't start a class without a minimum of 6. They said that would start the first part of July.

**Representative Kroeber:** The motor carrier positions were designated for out west due to the huge amounts of traffic they have, safety problems they have out there. If I remember correctly, the officers they had in that area had over 1,200 hours of overtime; and they're at a point where really can't take and have their people work anymore overtime because it isn't safe for the troopers. They hire when they're going to have a class start; is when they're going to take and do the hiring on their FTE's. As we said, the removal of the 3 from the agency base, that doesn't mean they didn't feel like they needed those people.

**Chairman Delzer:** Is there anything in law anywhere that requires patrolman distribution by population? If they so desired, can they move patrolmen from the east to the west?

**Vice Chairman Kempenich:** I don't know anything in law unless by rule. I think they try to hit the major towns.

A voice vote was made and carried on the amendment.

**Representative Skarphol:** I know the Governor's recommendation included a radio equipment replacement? Is that something that came later after the budget request? It's not in the request from the highway patrol in their original request according to this document.

**Vice Chairman Kempenich:** That was an OAR. It was in the recommendation and we left it there. It wasn't in the base budget.

**Chairman Delzer:** There's a base budget request; and then a list of optional. I think this is strictly the base budget request.

**Vice Chairman Kempenich:** It wasn't in the base budget request; it was an optional.

**Representative Skarphol:** It seems we passed some legislation where we allowed the highway patrol to retain the revenue produced from drug enforcement events of major significance. In other words, if they had the good fortune of catching some drug transportation entity; that they were allowed to retain that money. I'm curious what has happened with regard to that; if there's money that's been received, what kind of money maybe sitting out there, and what their options are as far as spending.

**Vice Chairman Kempenich:** It was not discussed.

**Representative Dahl:** That was asked. If you look at the green sheet, I think that was included in there. I don't recall the specific number; I was surprised at how low it was. It was a few thousand dollars.

**Representative Klein:** It was around \$10,000, it was a small amount.

**Representative Skarphol:** I thought I had heard there had been a rather dramatic event that had taken place since the last session. I may be incorrect.

**Chairman Delzer:** Brady, do you know was there something like that that happened and the money was expended?

**Brady Larson, North Dakota Legislative Council:** The assets forfeiture fund; the estimated revenue was about \$10,000.00. That was for both 2009-2011 and then it's estimated to be \$10,000.00 for 2011-2013. There's really not a significant amount of funding in that item.

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

**Representative Thoreson:** Seconded the motion.

**Representative Glassheim:** We never saw these amendments in committee. We discussed in general; but we didn't see this sheet that we just received. It would have been helpful had we seen this particular sheet. Secondly, I do think that the various sections in the back are useful for the committees.

**Chairman Delzer:** The thought is not to have two bills in the future; the idea is to see whether this is a better way for everybody involved. Then the budget section could make the decision to request the bills put in that way; if they so desire.

A roll call vote was made for a "Do Pass as Amended". 15 Yea's 6 Nay's 0 Absent

**Chairman Delzer:** Closed the discussion.



February 16, 2011

VK  
2/18/11  
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PROPOSED AMENDMENTS TO HOUSE BILL NO. 1350

Page 1, replace lines 10 through 16 with:

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

Page 2, replace lines 1 through 4 with:

"Weigh station repairs	100,000	250,000
Digital radio upgrade	<u>0</u>	<u>1,237,000</u>
Total all funds	\$280,000	\$1,487,000
Total special funds	<u>0</u>	<u>161,000</u>
Total general fund	\$280,000	\$1,326,000"

Page 2, line 10, replace "\$4,550,725" with "\$4,849,220"

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

**House Bill No. 1350 - Highway Patrol - House Action**

	Base Budget	House Changes	House Version
Administration	\$2,926,419	\$230,963	\$3,157,382
Field operations	37,198,354	3,060,162	40,258,516
Law enforcement training academy	1,496,942	104,367	1,601,309
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General fund	\$30,727,985	\$2,940,439	\$33,668,424
FTE	194.00	(3.00)	191.00

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

	Adjusts Funding for Compensation <sup>1</sup>	Adjusts Operating Budget <sup>2</sup>	Adds Funding for Radio Equipment Replacement <sup>3</sup>	Adds Funding for Weigh Station Repairs <sup>4</sup>	Total House Changes
Administration	\$221,423	\$9,540			\$230,963
Field operations	1,967,376	(394,214)	\$1,237,000	\$250,000	3,060,162
Law enforcement training academy	101,546	2,821			104,367
Total all funds	\$2,290,345	(\$381,853)	\$1,237,000	\$250,000	\$3,395,492
Less estimated income	363,443	(69,390)	161,000	0	455,053
General fund	\$1,926,902	(\$312,463)	\$1,076,000	\$250,000	\$2,940,439
FTE -	(3.00)	0.00	0.00	0.00	(3.00)

<sup>1</sup>The following compensation adjustments are made:

	FTE	General Fund	Special Funds	Total
Add state employee market equity adjustment (2009-11 allocation)		\$350,000		\$350,000
Adjust for base payroll changes, including reduction of 3 FTE positions	(3.00)	314,132	\$19,619	333,751
Add funding for state employee compensation package		1,262,770	343,824	1,606,594
Total	(3.00)	\$1,926,902	\$363,443	\$2,290,345

<sup>2</sup>The following adjustments to operating expenses are made:

	FTE	General Fund	Special Funds	Total
Decrease funding for operating expenses associated with the 3 FTE positions removed in base payroll changes		(\$123,000)	(\$18,000)	(\$141,000)
Increase funding for information technology costs		117,000	19,000	136,000
Increase funding for mobile data systems service contracts		55,000	8,000	63,000
Decrease funding for mileage reimbursement to provide for an estimated rate of 58 cents per mile		(347,463)	(76,045)	(423,508)
Decrease funding for cell phone costs		(2,000)	(345)	(2,345)
Remove funding for equipment over \$5,000		(12,000)	(2,000)	(14,000)
Total		(\$312,463)	(\$69,390)	(\$381,853)

<sup>3</sup>One-time funding of \$1,237,000 is added for the replacement of radio equipment in Highway Patrol vehicles.

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

This amendment also provides for the following changes:

- Section 2 is amended to provide that funding for vehicle radio replacements and weigh station repairs is one-time funding.
- Section 3 is changed to provide funding of \$4,849,220 from the highway tax distribution fund compared to \$4,550,725 provided in the 2009-11 biennium.

For comparison purposes only, the following is a list of budget adjustments included in the agency budget request:

	FTE	General Fund	Special Funds	Total
Add state employee market equity adjustment (2009-11 allocation)		\$350,000		\$350,000
Base payroll changes, including reduction of 3 FTE positions	(3.00)	296,887	\$17,041	313,928
Decrease funding for operating expenses associated with the 3 FTE positions removed		(123,000)	(18,000)	(141,000)

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Increase funding for information technology costs	117,000	19,000	136,000	
Increase funding for mobile data systems service contracts	55,000	8,000	63,000	
Decrease funding for mileage reimbursement	(165,000)	(25,000)	(190,000)	
Decrease funding for cell phone costs	(2,000)	(345)	(2,345)	
Increase funding for building lease costs	285,621	64,379	350,000	
Remove funding for equipment over \$5,000	(12,000)	(2,000)	(14,000)	
Total	(3.00)	\$802,508	\$63,075	\$865,583

**For comparison purposes only**, the following is a list of changes included in the **executive budget recommendation**:

	FTE	General Fund	Special Funds	Total
Base payroll changes		\$17,245	\$2,578	\$19,823
Add funding to restore positions removed in agency base budget request	3.00	494,387	73,497	567,884
Add funding for 3 FTE motor carrier positions	3.00	631,731	94,397	726,128
Remove funding for building lease costs added in base budget request		(285,621)	(64,379)	(350,000)
Add one-time funding for radio equipment replacement		1,076,000	161,000	1,237,000
Add one-time funding for emergency operations course and firearms range		3,558,300	531,700	4,090,000
Add funding for state employee compensation package		1,269,348	344,806	1,614,154
Total	6.00	\$6,761,390	\$1,143,599	\$7,904,989

Date: 4/17  
Roll Call Vote #: 1

2011 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 1350

House Appropriations Committee

Legislative Council Amendment Number 01001

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

Motion Made By Rep. Kempenich Seconded By Rep. Klein

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

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

Absent \_\_\_\_\_

Floor Assignment \_\_\_\_\_

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

voice vote carries

Date: 2/17  
Roll Call Vote #: 2

2011 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 1350

House Appropriations Committee

Legislative Council Amendment Number 0/001

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

Motion Made By Rep. Kempenich Seconded By Rep. Thoreson

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

Total (Yes) 15 No 6

Absent 0

Floor Assignment Rep. Kempenich

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

**REPORT OF STANDING COMMITTEE**

**HB 1350: Appropriations Committee (Rep. Delzer, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (15 YEAS, 6 NAYS, 0 ABSENT AND NOT VOTING). HB 1350 was placed on the Sixth order on the calendar.

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

<b>Adjusts Funding for Compensati</b>	<b>Adjusts Operating Budget<sup>2</sup></b>	<b>Adds Funding for Radio</b>	<b>Adds Funding for Weigh</b>	<b>Total House Changes</b>
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	on'		Equipment Replaceme nt <sup>3</sup>	Station Repairs <sup>4</sup>	
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FTE					

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Base payroll changes		\$17,245	\$2,578	\$19,823
Add funding to restore positions removed in agency base budget request	3.00	494,387	73,497	567,884
Add funding for 3 FTE motor carrier positions	3.00	631,731	94,397	726,128
Remove funding for building lease costs added in base budget request		(285,621)	(64,379)	(350,000)
Add one-time funding for radio equipment replacement		1,076,000	161,000	1,237,000
Add one-time funding for emergency operations course and firearms range		3,558,300	531,700	4,090,000
Add funding for state employee compensation package		1,269,348	344,806	1,614,154
Total	6.00	\$6,761,390	\$1,143,599	\$7,904,989



2011 SENATE APPROPRIATIONS

HB 1350

# 2011 SENATE STANDING COMMITTEE MINUTES

## Senate Appropriations Committee Harvest Room, State Capitol

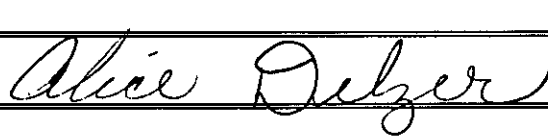
HB 1350

03-16-2011

Job # 15538 (HB 1011 also on this job)

☐ Conference Committee

Committee Clerk Signature



### Explanation or reason for introduction of bill/resolution:

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

### Minutes:

Testimony is filed in HB 1011 minutes

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Colonel James Prochniak:** In 2005

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

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

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

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

**Colonel James Prochniak:** We certainly can do that.

**Chairman Holmberg:** I think Brady will have that available.

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

**Chairman Holmberg** anyone else.

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

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

# 2011 SENATE STANDING COMMITTEE MINUTES

## Senate Appropriations Committee Harvest Room, State Capitol

HB 1350  
03-30-2011  
Job # 16162 and 16165

☐ Conference Committee

Committee Clerk Signature

### Explanation or reason for introduction of bill/resolution:

DISCUSSION CONCERNING BOTH HB 1011 AND HB 1350 AND A ROLL CALL VOTE ON HB 1350 REGARDING THE BUDGET FOR THE HIGHWAY PATROL

### Minutes:

You may make reference to "attached testimony."

### Job # 16162 (Meter 00 – 6.57)

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

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

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

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

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

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

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

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

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

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

**Chairman Holmberg:** Now I am. Do we have anyone else that wants to weigh in? And then we are just going to ask an awkward question. OK. This is the awkward question. We are going to ask you to raise your hand which one you want to do first and whichever one you want to do first that's the one that will be the vehicle and then if that one passes with the amendments that the subcommittee has then the other one should be put on the calendar immediately after that for disposition but not a recommendation of passing both on the floor. Here is the question, you don't have to put your head down, because this is an open meeting, all who want to utilize the traditional, I'll call 1011 the traditional format, who want to use that as the vehicle for the Highway Patrol, raise your hand - 6. How many want to use the new format, raise their hand , how can it be 6 -6. Who didn't vote? Put your heads down and I'll count. How many want to use the traditional method, raise their hand - 7. That's a majority so present 1017, no - 1011. We will open up 1011. Meter 6.58)

**JOB # 16165 (records the roll call vote on HB 1350)**

**Senator Krebsbach:** moved the amendment # 11.0529.02001. Seconded by Senator Warner.

**Chairman Holmberg:** we have a second by Senator Warner. And this is just to put it in....

**Senator Krebsbach:** Same format

**Chairman Holmberg:** Not the same format but the same bill. Any discussion? Would you call the roll on the amendment to HB 1350, amendment #.2001.

**A roll call vote was taken on the amendment #.2001. Yea: 12; Nay:0; Absent: 1. Motion carried.**

**Senator Krebsbach:** I move a DO NOT PASS AS AMENDED ON 1350. Seconded by Senator Robinson.

**Chairman Holmberg:** Would you call the roll on a do not pass as amended on HB 1350.

**A ROLL CALL VOTE WAS TAKEN ON A DO NOT PASS AS AMENDED ON 1350: YEA: 12; NAY: 0; ABSENT: 1. Motion carried.** Both will be on the 6th order together then.

The hearing was closed on HB 1350.

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1350

Page 1, replace lines 10 through 16 with:

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

Page 2, after line 1, insert:

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

Page 2, replace lines 3 through 5 with:

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

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

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

**House Bill No. 1350 - Highway Patrol - Senate Action**

	Base Budget	House Version	Senate Changes	Senate Version
Administration	\$2,926,419	\$3,157,382	\$4,920	\$3,162,302
Field operations	37,198,354	40,258,516	1,761,310	42,019,826
Law enforcement training academy	1,496,942	1,601,309	1,992,360	3,593,669
Total all funds	\$41,621,715	\$45,017,207	\$3,758,590	\$48,775,797
Less estimated income	<u>10,893,730</u>	<u>11,348,783</u>	<u>529,666</u>	<u>11,878,449</u>
General fund	\$30,727,985	\$33,668,424	\$3,228,924	\$36,897,348
FTE	194.00	191.00	6.00	197.00

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

	Adjusts Funding for State Fleet Mileage Rates <sup>1</sup>	Adds New Motor Carrier Positions <sup>2</sup>	Restores Trooper Positions Removed in Base Payroll Changes <sup>3</sup>	Adds Funding for Emergency Vehicle Operations Course <sup>4</sup>	Total Senate Changes
Administration	\$4,920				\$4,920
Field operations	459,738	\$733,688	\$567,884		1,761,310
Law enforcement training academy	2,358			\$1,990,002	1,992,360
	<u>\$467,016</u>	<u>\$733,688.00</u>	<u>\$567,884</u>	<u>\$1,990,002</u>	<u>\$3,758,590</u>
Total all funds					
Less estimated income	<u>102,090</u>	<u>95,379</u>	<u>73,497</u>	<u>258,700</u>	<u>529,666</u>
	<u>\$364,926</u>	<u>\$638,309</u>	<u>\$494,387</u>	<u>\$1,731,302</u>	<u>\$3,228,924</u>
General fund					
	0.00	3.00	3.00	0.00	6.00
FTE					

<sup>1</sup>Funding for State Fleet Services mileage rates is increased to reflect an estimated mileage rate of 64 cents per mile for Highway Patrol vehicles. The House provided funding for an estimated mileage rate of 58 cents per mile.

<sup>2</sup>Three new FTE motor carrier positions and related operating expenses are added.

<sup>3</sup>Three FTE trooper positions removed in the agency base payroll change calculation are restored.

<sup>4</sup>One-time funding of \$1,990,002 is added for an emergency vehicle operations course.

This amendment also provides for the following changes:

- Section 2 is amended to provide that funding for the emergency vehicle operations course is one-time funding.
- Section 3 is changed to provide funding of \$5,378,886 from the highway tax distribution fund compared to \$4,849,220 included in the House version.

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

2011 SENATE STANDING COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. 1350

Senate APPROPRIATIONS Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number 11.0529.02001

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

Motion Made By Krebsbach Seconded By Warner

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

Total (Yes) 12 No 0

Absent 1

Floor Assignment \_\_\_\_\_

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

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

2011 SENATE STANDING COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. 1350

Senate APPROPRIATIONS Committee

☐ Check here for Conference Committee

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

Action Taken: ☐ Do Pass ☒ Do Not Pass ☒ Amended ☐ Adopt Amendment

☐ Rerefer to Appropriations ☐ Reconsider

Motion Made By Krebsbach Seconded By Robinson

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

Total (Yes) 12 No 0

Absent 1

Floor Assignment O'Connell

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



**REPORT OF STANDING COMMITTEE**

**HB 1350, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman)**  
recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends  
**DO NOT PASS** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING).  
Engrossed HB 1350 was placed on the Sixth order on the calendar.

Page 1, replace lines 10 through 16 with:

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

Page 2, after line 1, insert:

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

Page 2, replace lines 3 through 5 with:

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

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

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

**House Bill No. 1350 - Highway Patrol - Senate Action**

	Base Budget	House Version	Senate Changes	Senate Version
Administration	\$2,926,419	\$3,157,382	\$4,920	\$3,162,302
Field operations	37,198,354	40,258,516	1,761,310	42,019,826
Law enforcement training academy	1,496,942	1,601,309	1,992,360	3,593,669
Total all funds	\$41,621,715	\$45,017,207	\$3,758,590	\$48,775,797
Less estimated income	<u>10,893,730</u>	<u>11,348,783</u>	<u>529,666</u>	<u>11,878,449</u>
General fund	\$30,727,985	\$33,668,424	\$3,228,924	\$36,897,348
FTE	194.00	191.00	6.00	197.00

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

	Adjusts Funding for State Fleet Mileage Rates <sup>1</sup>	Adds New Motor Carrier Positions <sup>2</sup>	Restores Trooper Positions Removed in Base Payroll Changes <sup>3</sup>	Adds Funding for Emergency Vehicle Operations Course <sup>4</sup>	Total Senate Changes
Administration	\$4,920				\$4,920
Field operations	459,738	\$733,688	\$567,884		1,761,310
Law enforcement training academy	2,358			\$1,990,002	1,992,360
Total all funds	\$467,016	\$733,688.00	\$567,884	\$1,990,002	\$3,758,590
Less estimated income	102,090	95,379	73,497	258,700	529,666
General fund	\$364,926	\$638,309	\$494,387	\$1,731,302	\$3,228,924
FTE	0.00	3.00	3.00	0.00	6.00

<sup>1</sup>Funding for State Fleet Services mileage rates is increased to reflect an estimated mileage rate of 64 cents per mile for Highway Patrol vehicles. The House provided funding for an estimated mileage rate of 58 cents per mile.

<sup>2</sup>Three new FTE motor carrier positions and related operating expenses are added.

<sup>3</sup>Three FTE trooper positions removed in the agency base payroll change calculation are restored.

<sup>4</sup>One-time funding of \$1,990,002 is added for an emergency vehicle operations course.

This amendment also provides for the following changes:

- Section 2 is amended to provide that funding for the emergency vehicle operations course is one-time funding.
- Section 3 is changed to provide funding of \$5,378,886 from the highway tax distribution fund compared to \$4,849,220 included in the House version.

2011 TESTIMONY

HB 1350

PROPOSED AMENDMENTS TO HIGHWAY PATROL APPROPRIATION BILL - LC NO. 11.0529.01  
(To Incorporate Executive Budget Recommendation)

Page 1, line 10, replace "0" with "233,423" and replace the second "2,926,419" with "3,159,842"

Page 1, line 11, replace "0" with "4,341,603" and replace the second "37,198,354" with "41,539,957"

Page 1, line 12, replace "0" with "4,195,546" and replace the second "1,496,942" with "5,692,488"

Page 1, line 13, replace "0" with "8,770,572" and replace the second "41,621,715" with "50,392,287"

Page 1, line 14, replace "0" with "1,206,674" and replace the second "10,893,730" with "12,100,404"

Page 1, line 15, replace "0" with "7,563,898" and replace the second "30,727,985" with "38,291,883"

Page 1, line 16, replace "0.00" with "3.00" and replace the second "194.00" with "197.00"

Page 2, line 1, replace "100,000" with "100,000" and replace "0" with "0"

Page 2, after line 1, insert:

"Emergency vehicle operations course and weapons training range	0	4,090,000
Digital radio equipment upgrade	0	<u>1,237,000</u>

Page 2, line 2, replace "0" with "5,327,000"

Page 2, line 3, replace the second "0" with "692,700"

Page 2, line 4, replace "0" with "4,634,300"

Page 2, line 10, replace "\$4,550,725" with "\$5,600,841"

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

**House Bill - Highway Patrol - Executive Budget Changes**

	Base Budget	Executive Budget Changes	Executive Budget
Administration	\$2,926,419	\$233,423	\$3,159,842
Field operations	37,198,354	4,341,603	41,539,957
Law enforcement training academy	1,496,942	4,195,546	5,692,488
Total all funds	\$41,621,715	\$8,770,572	\$50,392,287
Less estimated income	10,893,730	1,206,674	12,100,404
General fund	\$30,727,985	\$7,563,898	\$38,291,883
FTE	194.00	3.00	197.00

**Department No. 504 - Highway Patrol - Detail of Executive Budget Changes**

	Agency Budget Request Changes <sup>1</sup>	Executive Budget Changes <sup>1</sup>	Total Executive Budget
Administration	\$85,760	\$147,663	\$233,423
Field operations	739,212	3,602,391	4,341,603
Law enforcement training academy	40,611	4,154,935	4,195,546
Total all funds	\$865,583	\$7,904,989	\$8,770,572
Less estimated income	63,075	1,143,599	1,206,674
General fund	\$802,508	\$6,761,390	\$7,563,898
FTE	(3.00)	6.00	3.00

<sup>1</sup> This amendment incorporates the following executive budget adjustments included in the agency budget request:

	FTE	General Fund	Special Funds	Total
Add state employee market equity adjustment (2009-11 allocation)		\$350,000		\$350,000
Base payroll changes, including reduction of 3 FTE positions	(3.00)	296,887	\$17,041	313,928
Decrease funding for operating expenses associated with the 3 positions removed		(123,000)	(18,000)	(141,000)
Increase funding for information technology costs		117,000	19,000	136,000
Increase funding for mobile data systems service contracts		55,000	8,000	63,000
Decrease funding for mileage reimbursement		(165,000)	(25,000)	(190,000)
Decrease funding for cell phone costs		(2,000)	(345)	(2,345)
Increase funding for building lease costs		285,621	64,379	350,000
Remove funding for equipment over \$5,000		(12,000)	(2,000)	(14,000)
Total	(3.00)	\$802,508	\$63,075	\$865,583

This amendment incorporates the following changes included in the executive budget recommendation:

	FTE	General Fund	Special Funds	Total
Base payroll changes		\$17,245	\$2,578	\$19,823
Add funding to restore positions removed in agency base budget request (OAR 2)	3.00	494,387	73,497	567,884
Add funding for 3 FTE motor carrier positions (OAR 4 adjusted)	3.00	631,731	94,397	726,128
Remove funding for building lease costs added in base budget request		(285,621)	(64,379)	(350,000)
Add one-time funding for radio equipment replacement (OAR 5)		1,076,000	161,000	1,237,000
Add one-time funding for emergency operations course and firearms range (OAR 3 adjusted)		3,558,300	531,700	4,090,000
Add funding for state employee compensation package		1,269,348	344,806	1,614,154
Total	6.00	\$6,761,390	\$1,143,599	\$7,904,989

Section 2 is changed to identify one-time funding items recommended in the executive budget.

Section 3 is changed to adopt the executive budget recommendation to provide funding of \$5,600,841 from the highway tax distribution fund instead of \$4,550,725 as provided in the 2009-11 biennium.