

**Senate Appropriations Committee
Senate Bill 2011
Senator Ray Holmberg, Chairman
January 11, 2021**

*Colonel Brandon Solberg, Superintendent
North Dakota Highway Patrol*

Introduction

Good afternoon, Mr. Chairman, and members of the Senate Appropriations Committee. My name is Brandon Solberg, and I am the superintendent of the North Dakota Highway Patrol.

The North Dakota Highway Patrol was founded in 1935, and the agency's primary statutory authority and responsibility comes from North Dakota Century Code, Chapter 39-03. The highway patrol is comprised of two major components: field operations and administration. Field operations consists of four geographical regions and motor carrier operations.

Administration consists of the administrative services division, the support services division, and finance.

Our emphasis as an agency has been on public safety through education and enforcement activities. Educating motorists to make the right decision is preferred over having to take enforcement action but enforcing traffic and criminal laws remains our primary function. Educating the public and trying to prevent crashes and traffic violations from ever occurring is a continual cycle. Every day that the department of transportation is open, a batch of new drivers hits the road. If troopers are called to a crash or make a traffic stop, then it's too late – a violation already occurred – so we continue to explore ways to dedicate more time and energy to prevention efforts.

The highway patrol's primary focus is traffic safety, and there continues to be three major contributing factors to serious injury and fatality crashes. Those are speeding, not wearing a seatbelt, and driving impaired. If we could eliminate those three violations, we'd save a lot of lives. Speeding alone is a contributing factor in approximately ¼ of all fatality crashes, but it's such a common violation that many don't recognize the true danger of it. Distracted driving continues to be an issue as well, but it's a more difficult violation to identify after a crash occurs.

The highway patrol fully supports the Vision Zero initiative because reducing crashes and unnecessary injuries and deaths on our roadways has been the agency's goal since 1935. In addition to traffic safety, the highway patrol also assists local law enforcement agencies with emergencies and calls for service, especially when resources are limited. Many law enforcement agencies in North Dakota are smaller, and peace officers work together and help each other out regardless of the color of their uniform.

Two of our state troopers were involved in separate high-risk incidents in 2020 that resulted in attempted murder charges being considered against the suspects involved. Law enforcement is a dangerous occupation, even in North Dakota. The death of Grand Forks Police Officer Cody Holte last year was a stark reminder of that. I'm guilty of making statements in the past that North Dakota is one of the safest states in the nation, but the reality is that we're not topping the charts.

In an article titled *Best & Worst States to Drive In*, North Dakota ranked 40th in traffic safety (McCann 2020). In an article titled *Dangerous States*, North Dakota ranked 17th for the least dangerous states factoring property and violent crimes (Stebbins 2020). To think that North Dakota may not even be in the top 1/3 of safest states is an eye opener, but there is room for improvement. We certainly have the ability to become the safest state in the nation.

Fortunately, most of us who reside here feel safe in our communities. I believe this is one of the reasons many of us choose to live in North Dakota. Maintaining a sense of safety wouldn't be possible without solid partnerships between federal, state, tribal, and local law enforcement agencies, and the highway patrol is grateful for all the first responders and dispatchers who work toward a common public safety goal.

The highway patrol's mission is to make a difference every day by providing high quality law enforcement services to keep North Dakota safe and secure. If you were to ask our employees for one word that summarizes the agency, many of them would say professionalism. Our past and present employees are respected in their communities, and we are fortunate to have strong public support. We're committed to enhancing that public trust by being transparent and continually searching for opportunities to strengthen our relationships with stakeholders even further.

The citizens of North Dakota count on our employees to be responsive and proactive. Our employees enforce traffic laws, investigate crashes, provide safety presentations, help stranded motorists, and assist other agencies and community members during times of crisis. Our employees take pride in performing their duties and serving the citizens of this great state. Our officers are proud to wear the uniform of a North Dakota state trooper, and I appreciate the courage and commitment displayed by our entire team.

Financial Audit Findings

Condition:

The North Dakota Highway Patrol (NDHP) is not maximizing the use of federal funds. The NDHP returned a total of \$164,583 of available grant funds to the Federal Government related to six grants that closed during the audit period. In addition, expenditures of \$22,387 were incurred after the period of performance for these grants which should have increased the amount of grant funds returned to \$186,970.

Furthermore, incorrect state match percentages for federal grants resulted in \$41,895 paid from the general fund that were not reimbursed from available federal funds. If the correct matching percentages would have been used, \$145,075 would have been returned to the Federal Government in unused grant awards and the general fund would have an additional \$41,895.

Recommendation:

We recommend the NDHP ensure procedures are in place to maximize the use of federal grant funds by complying with federal grant requirements.

Highway Patrol Response/Corrective Action Plan:

The NDHP agrees with the recommendation. Coordination with federal program managers was increased to expend grant awards as close to a 12-month fiscal year as possible and to ensure that all federal transactions are incurred within the period of performance.

Reconciliations between the PeopleSoft accounting system and supporting spreadsheets will be done on a regular basis to ensure that both federal reimbursements and state match percentages are correct.

We will work with our federal partners to attempt to bring the end of the grant period closer to the fiscal year end making the process more efficient.

Condition:

The NDHP did not have blanket bond coverage starting on January 1, 2018 through February 28, 2019. The NDHP collected \$18,375,264 in revenue from January 1, 2018 until the end of the audit period. Blanket bond coverage is determined based on revenue collected by the NDHP in addition to cash and investments.

Recommendation:

We recommend the NDHP obtain blanket bond coverage and ensure that coverage is renewed on a biennial basis.

Highway Patrol Response/Corrective Action Plan:

The NDHP agrees with the recommendation. The bond coverage was renewed as of March 1, 2019 and will be renewed again by June 30, 2020 to be in line with the next two-year audit period of fiscal years 2019 and 2020.

Condition:

The North Dakota Highway Patrol did not properly capitalize assets. Assets with a value greater than \$5,000, determined by purchase price plus trade-in value, are required to be capitalized. Testing noted an instance where 26 assets with a total value of approximately \$140,000 were not capitalized.

Recommendation:

We recommend the North Dakota Highway Patrol properly capitalize assets with a value greater than \$5,000.

Highway Patrol Response/Corrective Action Plan:

The NDHP agrees with the recommendation. Steps were taken to communicate more between the accounting and property sections so that the capitalized amount of fixed assets will include all actual costs expended. For clarification, the instance noted with 26 assets was from one purchase of mobile radios where the trade-in value was not calculated into the total price. This was not a widespread issue with 26 different instances.

Current Biennium Accomplishments

	2019	2020
Road Patrol Hours	129,829	134,427
Traffic Stops	59,956	74,674
Traffic Citations	51,704	68,828
Written Warnings	38,943	43,435
Crashes Investigated	2,334	1,719
Criminal Arrests	4,396	5,806
Safety Talks	415	156
Motor Carrier Permits Issued	179,698	140,489
Assist Other Government Agency	2,978	3,088
Calls for Service	14,843	13,510
Total CAD Incidents	87,850	111,041
DUI Arrests	1,018	1,065
Drug-Related Arrests	964	1,593
Weapon Offenses	36	57
Motorist Assists/Abandoned Vehicles	8,586	8,206
Crash Investigation On-Scene Hours	5,201	3,662
Crash Investigation Follow-up Hours	3,024	3,286
Crash Reconstruction Hours	1,712	2,296
Overloads	990	1,133

- Implemented a revised performance appraisal process
- Created a supervisor engagement committee and continued sworn and civilian employee engagement committee meetings
- Started conducting virtual all-hands meetings
- Recognized as the first state highway patrol agency in the nation authorized to operate UAS over people
- Participated in several overtime programs:
 - Click-it or ticket occupant protection overtime
 - Alcohol enforcement overtime
 - Commercial motor vehicle inspection overtime
 - Border enforcement program
 - Construction zone overtime
- Transitioned to an electronic policy revision process

- Passed a remote accreditation inspection by the Commission on Accreditation for Law Enforcement Agencies in July of 2020
- Attended several meetings with tribal leaders to discuss and work toward public safety agreements
- Grew agency's Facebook page to over 53,000 likes, Twitter account to over 3,600 followers, and Instagram account to over 2,500 followers – added a Facebook page for retirees and families
- Started publishing a Monthly Activities Report to the public
- Raised over \$10,000 during our recent Nail Polish/No Shave November for Cure Duchenne
- Provided enhanced use of force training to NDHP sworn officers and other law enforcement agencies
- Provided force science training to nine use of force instructors
- Provided bias-based profiling training to all NDHP sworn officers
- Provided leadership training opportunities to all employees
- Continued to operate the North Dakota Law Enforcement Training Academy and train new peace officers during the pandemic
- Created and implemented an agency wellness committee
- Released a wellness app for employees, retirees, and their family members focused on overall wellbeing
- Researched and purchased thermal cameras and screening kiosks to help protect state employees and visitors
- Over 75 state troopers, nearly ½ of our available resources, responded to Fargo when protest activity arose in May of 2020
- Certified 13 remote pilot operators to operate UAVs for the purpose of conducting crash investigations and assisting with search and rescue efforts

Current Biennium Challenges

Several impactful events occurred so far this biennium including a global pandemic, a national push for police reform, protest activity, and weak revenue forecasts.

In addition, the highway experienced a strain on resources as one class of 15 recruits started in January and a second class of eight recruits started in September. That total of 23 new officers is a 14% shift in the makeup of our sworn strength over a 12-month period.

The presence of COVID resulted in substantial changes such as administrative staff transitioning to a telework environment, officers having to adjust their tactics to limit physical contact, and everyone increasing the use of personal protective equipment. Several of our employees and their loved ones were isolated, quarantined, or hospitalized, but we were able to maintain adequate staffing while honoring all quarantine orders.

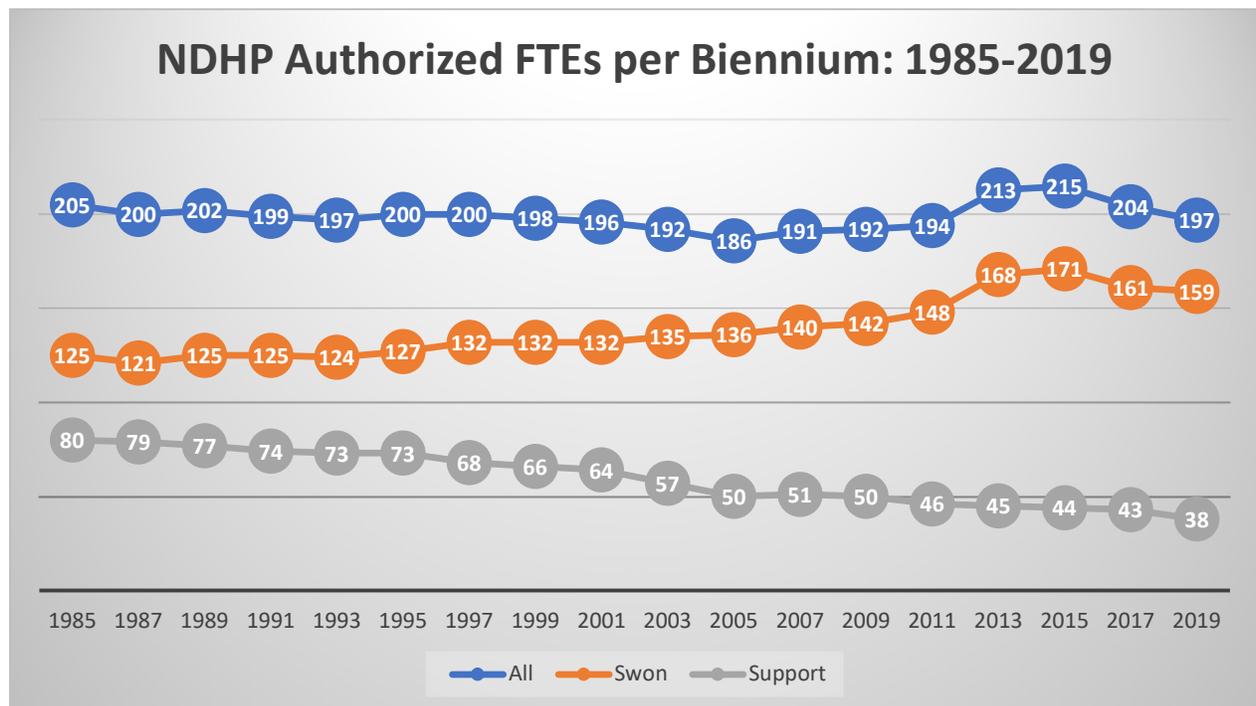
Our state troopers and employees faced unimaginable challenges head-on in 2020, and they continue to perform at the highest levels of professional excellence. It is an honor and privilege to be able to represent our agency and our dedicated and essential employees.

2021-23 Biennium Goals

- Formally evaluate the need for increased patrol coverage and personnel assignments
- Implement criminal interdiction teams to combat and reduce criminal behaviors such as drug and human trafficking
- Maximize resources to provide high quality education and improve outreach efforts statewide
- Continue upgrades to provide modern, efficient law enforcement facilities, vehicles, and equipment
- Increase statewide seat belt use rates on all highways
- Increase public awareness of the hazards of distracted and impaired driving and speeding
- Enhance commercial motor vehicle transportation safety
- Continue historical emphasis on zero fatality crashes by concentrating enforcement and education efforts on driver behavior

- Increase the sharing of information with the public through social media in a timely manner
- Continue to work with DOT to identify additional Vision Zero Safety Corridors and dedicate resources to these areas
- Deter and respond to criminal activity while enhancing public safety through effective utilization of NDHP resources
- Assess stakeholder satisfaction through surveys
- Enhance tribal engagement through the cultural liaison officer program
- Actively participate in the recruitment of prospective NDHP employees
- Provide advanced training to federal, state, tribal, and local law enforcement agencies
- Enhance the agency's attention to employee wellbeing to those involved in critical incidents
- Remain competitive with employee salaries and benefits
- Open lines of communication to improve employee engagement and involvement in decision making

Executive Budget Comparison – Full-Time Equivalent Positions



FTEs	2019-21 Appropriation	2021-23 Request	2021-23 Executive
Sworn Officers	159	159	159
Civilian Positions	38	34	34
Total	197	193	193

- Two capitol security officer positions were removed
- Two IT positions were transferred to NDIIT

Executive Budget Comparison – Total Budget

The base level budget for the highway patrol is \$59,586,945.

Funding Source	2019-21 Appropriation	2021-23 Request	2021-23 Executive
General Funds	\$44,213,575	\$37,581,539	\$44,820,848
Special Funds	8,762,955	8,762,955	9,948,869
Federal Funds	6,610,415	6,610,415	6,707,231
Total	\$59,586,945	\$52,954,909	\$61,476,948

Line Item	2019-21 Appropriation	2021-23 Request	2021-23 Executive
Salaries	\$44,881,003	\$40,433,822	\$45,751,575
Op. Expenses	14,705,942	12,521,087	15,725,373
Total	\$59,586,945	\$52,954,909	\$61,476,948

Removal of One-Time Appropriations

- Aircraft engine overhaul - \$81,830
- sUAS (drone) purchase - \$96,228
- Firing range improvements and classroom addition - \$1,729,000
- Total - \$2,060,892

Status of One-Time Projects

Project	Appropriation	Fund	Completion
Aircraft Engine Overhaul	\$81,830	General	0%
sUAS Purchase	\$96,228	Permit Fund (276)	90%
Firing Range/Classroom	\$1,729,100	Permit Fund (276)	75%

The aircraft engine overhaul is scheduled for February of 2021. We expect to fully expend the appropriated funds before the biennium ends.

The purchase of drone equipment is complete, and some additional training is scheduled for the operators. We expect to fully expend the funds.

The firing range construction project is expected to be completed in February of 2021 with final grade and landscaping to be completed later in the spring. We expect to fully expend the appropriated funds.

2021-23 Requested/Recommended One-Time Funding

The following one-time items were included in the executive budget:

- **Compatible Body and In-Vehicle Cameras - \$1,158,000**

The highway patrol requested funding to cover the cost of body worn cameras and compatible in-vehicle mobile video cameras. Although the agency has mobile cameras installed in our field patrol vehicles today, we would like to transition to an integrated system of in-vehicle and body cameras to eliminate issues with data storage and retrieval.

The estimated cost for an integrated body and mobile camera system is approximately \$1,457,400. National Highway Traffic Safety Administration (NHTSA) grant funds typically cover \$150,000 in mobile camera replacement costs per biennium. NHTSA funds are administered through the North Dakota Department of Transportation (DOT), and DOT has tentatively agreed to provide \$150,000 in project funds each year next biennium.

Integrated body cameras and in-vehicle mobile cameras will help ensure that highway patrol interactions are captured on video to improve transparency and enhance public trust.

- **Hard Body Armor - \$265,000**

The hard armor currently owned by the highway patrol has a five-year manufacturer's life cycle and warranty period which will expire around January of 2022. The current hard body armor was purchased with the use of emergency declaration funding during the Dakota Access Pipeline protests.

This hard armor provides a higher level of protection for our sworn officers than the soft body armor they currently wear. Soft body armor is designed to protect officers against typical handgun ammunition whereas hard armor is designed to protect officers against higher velocity weapons such as rifles, a common type of firearm in our state.

Hard body armor is not designed to be worn daily, but it must be maintained and replaced to ensure our officers are protected when responding to high risk incidents.

Agency Collections

The highway patrol deposits collections into the following funds:

Fund	2019-21 Collections (Est.)*	2021-23 Collections (Est.)*
Permit Fund (276)	\$2,683,000	\$2,683,000
Highway Fund (200)	\$20,273,000	\$20,273,000
ID Card Fund (141)	\$18,000	\$18,000
HTDF Fuel Tax (400)	\$130,000	\$130,000
Misc. Gen Rev. (001)	\$21,000	\$0
Total	\$23,125,000	\$23,104,000

**Estimates based on biennium to date collections as of November 30, 2020*

- *Hwy fund collections from permit and overload fees - \$14,360,571*
- *ID card processing fund fees - \$14,382*

Additional Appropriation Considerations

Currently, the highway patrol has three sections listed in our appropriations bill that we'd ask for your consideration to carry over into next biennium.

The first is a transfer of highway tax distribution funds totaling approximately 14% of our appropriation. A transfer of \$8,429,312 in highway tax distribution funds was included in the executive budget.

Another section is related to an unvouchered expense of \$200 per month that is provided to sworn officers in lieu of processing individual reimbursement requests for expenses such as meals and lodging while officers are traveling in-state. I'm not sure when this unvouchered expense system began, but it has been in place long before I started here over 20 years ago. This cost was included in the executive budget.

A third section is related to a transfer of special funds from the motor carrier electronic permits fund. This fund has been used to cover expenses related to the online permits system in addition to expenses for permits office staff and field administrative assistants. With a reprioritization of positions that will be described in more detail, the requested amount from the permits fund would be \$1,519,557. This amount was included in the executive budget.

Permit Fund Expenditures	Amount
One permit office supervisor	\$180,327
Two permit technicians	297,338
Three administrative assistants	423,201
One records technician	155,203
Two crash assistance program positions	463,488
Total Request	\$1,519,557

Executive Budget Guidelines

The executive budget guidelines for the highway patrol included a 5% reprioritization of special funds and a 15% reduction in general funds.

A 5% reprioritization of special funds equates to \$438,148. The following charts detail the reprioritization of special funds:

Permit Fund Reductions	Amount
One permit technician	(\$148,669)
Two administrative assistants	(282,134)
Permit office lease	(12,179)
Total Reductions	(\$442,982)

Permit Fund Additions	Amount
One records technician	\$155,203
Two crash assistance program positions	463,488
Total Additions	\$618,691

The motor carrier electronic permit transaction fund (fund 276) currently covers salary costs for three permit technicians, one permit supervisor, and five administrative assistants in addition to the cost to lease space at DOT for our permits office.

The estimated balance of the permits fund at the end of this biennium is \$7.9 million, and this reprioritization plan is requesting an additional \$175,709 per biennium from the permit fund to cover increased salaries for three of the current positions being reclassified. DOT is removing the permit office lease expenses.

Without factoring one-time funded items, the permit fund generates approximately \$112,000 per month in revenue. Current salaries and other ongoing expenses (e.g., soft body armor, AED pads, and taser cartridges) total approximately \$60,000 per month. If this reprioritization plan is approved, approximately \$7,300 per month more would be needed, leaving approximately \$44,700 in additional excess monthly revenue based on the biennium to date averages.

A 15% reduction in general funds equates to \$6,632,036. The following chart details the submitted reductions:

General Funds Reduction	Amount
Two capitol security officers - \$130,102.60 each	\$260,205.20
One sergeant position and operating expenses	314,481.64
21 entry-level troopers, op. expenses - \$239,407 each	5,027,558.13
Motor pool	500,000.00
Leases (Fargo 137k, Bismarck 287k, Dickinson 30k)	454,000.00
POST Board training funds	30,000.00
Professional development	10,000.00
Equipment under \$750	15,790.00
Clothing	10,000.00
Repairs	10,000.00
Total Reductions	\$6,632,034.97

Optional Adjustment Requests

The following optional requests were submitted during the executive budgeting process, including the one-time costs already discussed:

Optional Request	Amount	Executive Budget Status
Costs to continue <ul style="list-style-type: none"> • 2.5% increase year two - \$318,000 • Pay plan difference - \$5,557 	\$323,557	Approved
Restore 22 sworn officer positions <ul style="list-style-type: none"> • 21 troopers, one sergeant 	\$5,330,977	Approved
Equity pay package <ul style="list-style-type: none"> • \$1,156,000 trooper to lieutenant • \$376,000 market adjustments 	\$1,532,000	Not Approved
Location-based pay <ul style="list-style-type: none"> • Williams/McKenzie - \$400/month • Dunn/Mountrail - \$200/month 	\$172,800	Not Approved
On-call pay adjustment <ul style="list-style-type: none"> • Currently \$2/hour • Move to ¼ regular and ½ emergency 	\$912,000	Not Approved
Hard body armor <ul style="list-style-type: none"> • Ballistic panels, helmet, and shield • New carrier 	\$265,000	Approved
Statewide Interoperability Radio Network (SIRN) Project <ul style="list-style-type: none"> • Mobile and portable radios 	\$2,612,000	Not Approved
Computer-aided dispatch user fees (DES)	\$59,000	Approved
Body and in-vehicle cameras	\$1,158,000	Approved

SitelogIQ facility study recommendations	\$875,000	OMB Budget
North Dakota Law Enforcement Training Academy <ul style="list-style-type: none"> Option 1 of the four options studied 	\$27,104,000	Not Approved
Peace Officers Standards and Training (POST) Board training funds <ul style="list-style-type: none"> Restore \$25,000 from 2019-21 Restore \$30,000 from 2021-23 	\$55,000	Not Approved

Additional Changes Requested to Executive Budget

There are no additional appropriation requests beyond what has been included in the executive budget recommendation, but there will be a presentation related to a study of the North Dakota Law Enforcement Training Academy that was included in our current appropriation.

There were items included in the highway patrol’s executive budget that were not requested in our budget submission, but I would ask that those costs be carried into our legislative budget bill. Those additional appropriations are in the chart below:

Additional Appropriation	Amount
Lease Rate Increase – Judicial Wing	\$96,794
Office 365 Software Upgrades	\$16,179
Executive Compensation Recommendation	\$1,090,860
Total Additions	\$1,203,833

The highway patrol supports the new rent model, Office 365 software, and the executive recommendation for 2% salary increases each year of the biennium along with continued fully funded health insurance.

State employees have shown a willingness to buckle down when revenues are short. As a representative of our employees and in recognition of their ongoing, tireless efforts through challenging times, I'd appreciate any attempt to adequately fund salary increases and continue fully funding health insurance premiums next biennium.

Agency-Related Bills

- **Senate Bill 2097**
 - Cleans up policy related to commercial motor vehicles
 - With the Senate Transportation Committee
 - No budgetary impact
- **Senate Bill 2098**
 - Allows the abandoned motor vehicle fund to be accessed for vehicles abandoned on public property
 - Senate Transportation Committee; passed Senate 47-0
 - No budgetary impact expected to existing abandoned motor vehicle funding levels
- **Senate Bill 2099**
 - Removal of bond envelopes and notification form
 - With the Senate Transportation Committee
 - \$9,700 biennial savings; administrative workload reduction
- **Senate Bill 2100**
 - Clean up of Title 39
 - With the Senate Transportation Committee
 - No budgetary impact
- **House Bill 1098**
 - Crash reports and exempt records
 - With the House Transportation Committee
 - No budgetary impact, but there would be an administrative workload reduction

- **Senate Bill 2043**
 - PERS proposal to increase employer contributions by 2% in January of 2022 and an additional 2% in January of 2023 to address solvency issues with the highway patrol plan
 - With the Senate Government and Veteran’s Affairs Committee
 - Fiscal note identifies a \$498,100 appropriation
- **Senate Bill 2046**
 - PERS proposal to increase employer contributions by 1% and employee contributions by 1% in January of 2022 to address solvency issues with the PERS main plan
 - With the Senate Government and Veteran’s Affairs Committee

Coronavirus Relief Funding

The highway patrol received \$13,919,094 through the Coronavirus Relief Fund (CRF) during the current biennium. Our first request (Request #1993) was submitted through the Office of Management and Budget (OMB) and was approved for the following items:

- **\$312,000** – Replace ½ of the agency’s mobile laptops to provide camera and microphone capabilities
 - This purchase has been completed.
- **\$21,650** – Purchase temperature scanners for facility screening
 - This purchase has been completed.
- **\$14,000** – Overtime and mileage related to Coronavirus response
 - Approximately ½ of this amount has been expended.
- **\$13,000** – Personal protective equipment supplies
 - Approximately ½ of this amount has been expended.
- **\$10,000** – Purchase remote education software
 - Software options are being researched.
- **\$25,000** – Purchase software to improve agency efficiencies
 - Software options are being researched.
- **\$8,044** – Provide enhanced office cleaning and supplies
 - Nearly 100% has been expended.

The total of \$404,094 above was requested in June of 2020, and \$354,675 has been expended.

In October of 2020 the highway patrol received a second round of coronavirus relief funding through Request #2026 which was submitted by OMB for the following items:

- **\$13,500,000** – Reimburse agency sworn officer salaries from March 1, 2020, through December 31, 2020
 - The state funds that were covered by this reimbursement will be turned back at the conclusion of the 2019-21 biennium.
- **\$15,000** – Partial funding for the Capitol kiosk project with additional funding to provide a 25% match for FEMA-eligible funding
 - The total kiosk project cost was \$35,430, and this project has been completed.

Law Enforcement Training Academy Study

The highway patrol's budget appropriation included a section requiring that a study of the North Dakota Law Enforcement Training Academy (LETA) be completed. The highway patrol is responsible for operating the LETA, and the facility is used to train peace officers from multiple law enforcement agencies in our state.

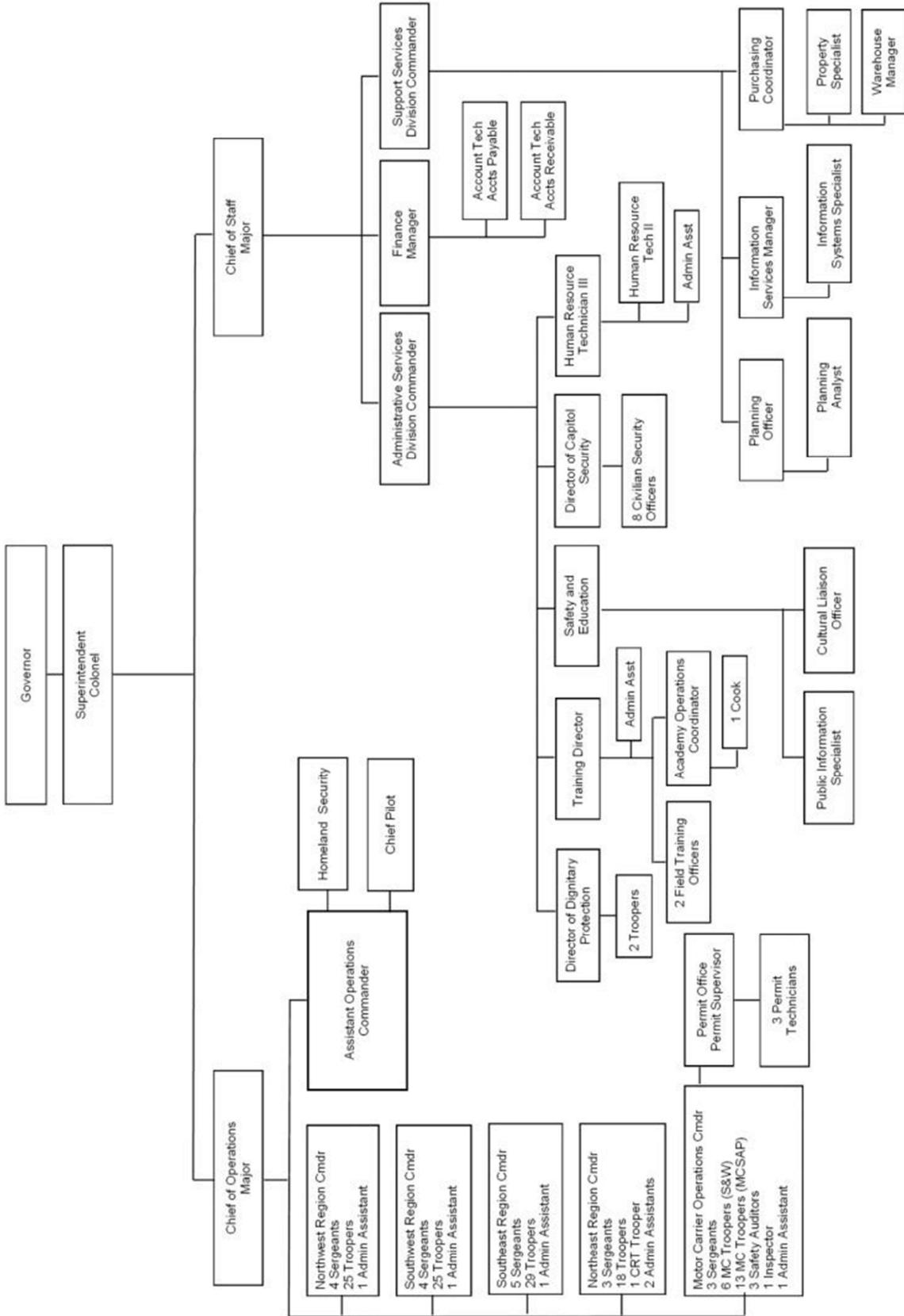
The highway patrol has been exploring options to modernize training facilities for law enforcement since 2011, and this is the first time that an architect was hired to complete a professional study. The vendor selected to complete the study was ICON Architectural Group, and Todd Mitzel, one of ICON's principal architects, is here to present the results.

References

Stebbins, S 2020, 'Dangerous states: Which states have the highest rates of violent crime and most murders?', *USA Today*, 13 January, accessed 9 January 2021, <<https://www.usatoday.com>>.

McCann, A 2020, 'Best & worst states to drive in', *WalletHub*, 21 January, accessed 9 January 2021, <<https://wallethub.com/edu/best-worst-states-to-drive-in/43012>>.

NORTH DAKOTA HIGHWAY PATROL ORGANIZATION CHART



North Dakota Highway Patrol Historical Staffing

