

Senate Appropriations Subcommittee
Senate Bill 2011
Senator Karen Krebsbach, Chair
February 4, 2021

Statewide Interoperable Radio Network (SIRN)

1) *Will your current mobile and radios work on the new SIRN system?*

Our current Motorola Apex 7500 mobile radios can be reconfigured to work on the SIRN network. This would require them to be upgraded with 800MHz software and antennas. The cost of this would be approximately \$4,200 per radio. The cons of this approach will be that the current Motorola Apex 7500 radios will no longer be supported by Motorola effective 10/1/2023 and we would then begin the replacement of the entire fleet of NDHP mobile radios.

Our current portable radios cannot be upgraded to work on the new SIRN network. They are relatively low power VHF-only radios that cannot be reconfigured to work on the 800 MHz SIRN network.

2) *Can you tell me how you arrived at the \$2,612,000 in optional budget?*

SIRN-compliant Motorola Apex 8500 Mobile Radio (181 @ \$5,899 each)
= \$1,067,719 (w/10 year warranty)

AND

SIRN-compliant Motorola Apex 8000 Portable Radios (185 @ \$6,500 each) = \$1,202,500

OR

SIRN-compliant Motorola Next Portable Radio/LTE Device (185 @ \$8,500 each) = \$1,572,500

These numbers have changed slightly over time as prices adjust, recently the cost of the required display went up, but we also have a commitment for some trade in value for our 7500 Apex Mobiles.

The executive budget request of \$2,612,000 came from the SIRN compliant 8500 mobile radio (\$1,067,719.00) and the SIRN compliant Motorola Next Portable Radio/LTE Device (\$1,572,500) along with an additional 159,781 is an approximation for installation and programming costs for a total of \$2,800,000. We would receive reimbursement of \$188,000 from the federal MCSAP grant to cover the radios for our MCSAP funded troopers.

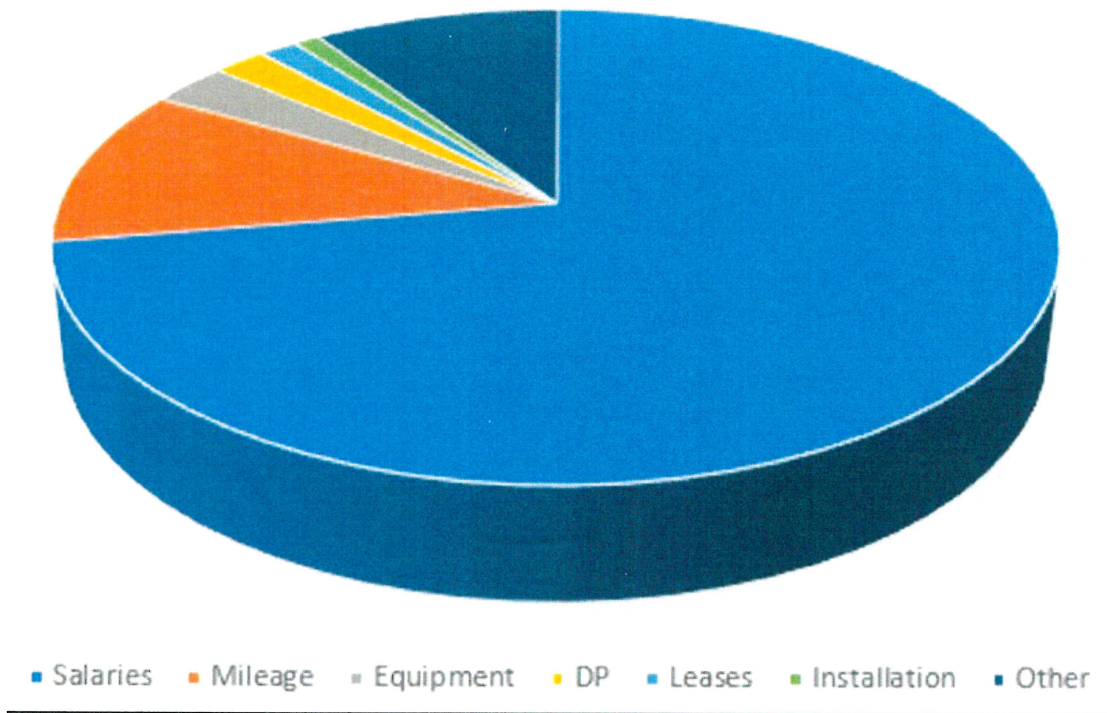
3) *Any additional information we would need to support the transition to this new network?*

The Williston (SRIN) and Fargo (ARMER) areas will be switching to 800MHz operations in the very near future and the remainder of the state will be following over time. The NDHP has committed to be a major contributor of trainers to ensure that all responders can gain the knowledge and ability to successfully utilize the SIRN system. No other agency will have the manpower and statewide footprint to provide initial and ongoing training.

FTE Status

A 15% budget reduction submission required 22 sworn officers and two non-sworn positions to be removed.

- 73% salaries and benefits (FTEs)
- 11% motor pool
- 3% equipment
- 2% data processing
- 1.5% leases
- 1% vehicle installations
- Others <1% each area



The 22 sworn officer positions were requested back as an optional item, and they were restored in the executive budget recommendation.

Historical Staffing

Highway Patrol FTEs

- 205 (1985) to 193 (2021 Executive Budget)
- **5.9% decrease**

Population

- 669,489 (1985) to 762,062 (2019)
- **14% increase**

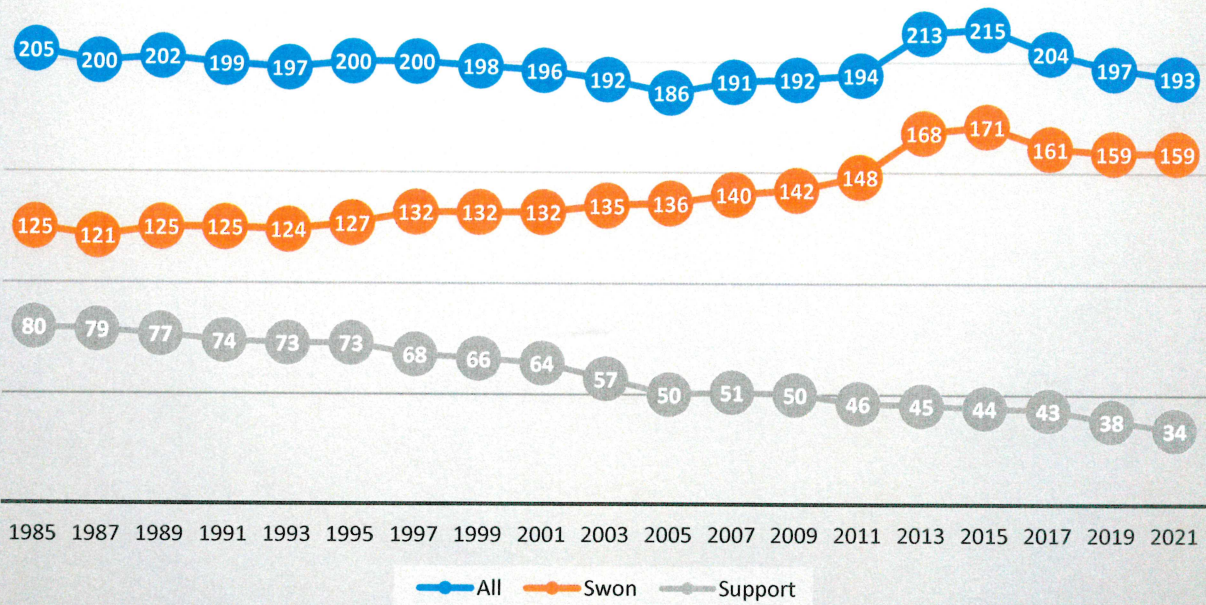
Registered Vehicles

- 655,000 (1985) to 944,000 (2018)
- **44% increase**

Vehicle Miles Traveled

- 5.579 billion (1985) to 9.866 billion (2018)
- **77% increase**

NDHP Authorized FTEs per Biennium: 1985-2021



Electronic Motor Carrier Permit Transaction Fund (Fund 276)

- **61st Assembly** – 2009 – Senate Bill 2011 Established Legislative Intent for and Automated Permit System.
- **62nd Assembly** – 2011 – Senate Bill 2038 – Provided authority for an Electronic Motor Carrier Permit Transaction Fund (Fund 276) and provided a line of credit at the Bank of ND and providing an ongoing appropriation to maintain the electronic permit system.
- **65th Assembly** – 2017 – Senate Bill 2011 – Provided authority to and appropriation to use Fund 276 for salaries (\$1,269,165.00) of administrative staff (5 field administrative assistants) and permit staff (4) from the fund. Additionally, appropriation was given for monies to be used for pre-screen technology (\$100,000.00), at the request of the ND Motor Carrier's Association. Authorization and direction was also given to lower the permit transaction fee from fifteen dollars to ten dollars.
- **66th Assembly** – 2019 – House Bill 1011 – In addition to the appropriations authorized in the 65th Assembly, appropriation was also authorized to complete an addition at the indoor range facility (\$1,729,100.00 – one time), sUAS/drone project (\$96,228.00 – one time), body armor/AED pads/taser cartridges (\$163,066.00 - continuing)
- **67th Assembly** – 2021 – Senate Bill 2011 – Request by the NDHP to reprioritize salary funds authorized in the 65th assembly and transition 2 permits and 1 administrative assistant position to 2 crash assistance program and 1 records position, resulting in an additional maximum increase of \$175,709.00 being drawn on the fund. There is a possibility of VOCA funds being approved to support the crash assistance positions.

History of the Motor Carrier Electronic Permit Transaction Fund

- **61st Assembly (2009-11) [Senate Bill 2011](#) SECTION 6. LEGISLATIVE INTENT - AUTOMATED PERMITS.**

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

- **62nd Assembly (2011-13) [Senate Bill 2038](#) – Provided Authority for the Electronic Motor Carrier Permit Transaction Fund (also known as Fund 276) and provided a line of credit at the Bank of North Dakota until June 30, 2015.**

- **Ongoing Funding** – NDCC 39-12-02(6) states, “There is created in the state treasury a fund known as the motor carrier electronic permit transaction fund. All money in the fund is appropriated on a continuing basis to the highway patrol to defray the costs of establishing and maintaining an online electronic permit system for permitting and routing oversize and overweight vehicles in this state. The highway patrol may contract with a private entity to establish, operate, and maintain an online electronic permit system. The online electronic permit system includes the issuance of permits under this section and an automated routing system. The automated routing system must include integration of department of transportation traveler information system information, all other data required for the automated routing system, and integration of the highway patrol computer-aided dispatch system.”

- **65th Assembly (2017-19) [Senate Bill 2011](#), provided Authority to utilize the fund for administrative assistant and permit staff salaries in **SECTION 5. MOTOR CARRIER ELECTRONIC PERMIT TRANSACTION FUND.****

- The estimated income line item in section 1 of this Act includes \$1,369,165 from the motor carrier electronic permit transaction fund for the purpose of defraying various expenses associated with the issuance of permits and other nonenforcement motor carrier and administrative activities during the biennium beginning July 1, 2017, and ending June 30, 2019. [Summary of Changes](#)
- **SECTION 9. Allowed the fee to be lowered from fifteen to ten dollars.**
 - j. The highway patrol may establish an online electronic permit system. If the highway patrol establishes an online electronic permit system, the highway patrol shall assess an additional fee of up to fifteen dollar-feedollars for every permit issued under this section to be deposited into the motor carrier electronic permit transaction fund.

- **66th Assembly (2019-21) [House Bill 1011](#), **SECTION 5 – MOTOR CARRIER ELECTRONIC PERMIT TRANSACTION FUND.**
[Summary of Changes](#)**

- “The estimated income line item in section 1 of this Act includes \$3,356,069 from the motor carrier electronic permit transaction fund for the purpose of defraying various expenses associated with the issuance of permits and other nonenforcement motor carrier and administrative activities, including the purchase of equipment and the construction of an addition to the indoor shooting range, during the biennium beginning July 1, 2019, and ending June 30, 2021.”

Fund 276 Appropriation HB 1011		
Administrative Positions	\$	1,267,675.00 Ongoing
Non-Enforcement Activities (Pre-Pass)	\$	100,000.00 Ongoing
Indoor Range Classroom Addition	\$	1,729,100.00 One-Time
sUAS (Drones)	\$	96,228.00 One-Time
Equipment:	\$	163,066.00 Ongoing
<i>Soft Body Armor</i>		
<i>Taser Cartridges</i>		
<i>AED Replacement Pads</i>		
Total appropriated 2019-21 from Fund 276	\$	3,356,069.00

- **67th Assembly (2021-23) Senate Bill 2011 – REQUEST FOR REPRIORITIZATION OF SALARY FUNDS FROM FUND 276.**

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

- Transitions 2 administrative assistant positions and 1 permit technician to 2 crash assistance program and 1 records management positions.

Crash Assistance Program:

- Assistance to families of individuals and victims who were involved in serious traffic crashes or incidents.
 - Assist with needs immediately after the crash and helps guide individuals through processes following the crash
- Modeled after South Dakota program which has been very successful
- Potentially eligibility for VOCA grant funds
- 1 person for each half of the state

Records Management Position:

- Shift toward centralized records for efficiency and consistency
- Working knowledge of intricacies in open records laws
- Coordinate agency records management and retention
- Currently our IT staff are involved in records management, but we may have to become less reliant after transition to NDIT Shared Service

North Dakota Highway Patrol --

12/31/2020

Revenue Over Expenses, E-Permits Fund 276, 2011-2013 Biennium thru 12/31/2020 --

	2011-2013 Biennium	2013-2015 Biennium	2015-2017 Biennium	2017-2019 Biennium	2019-2021 Biennium 12/31/20	Totals
Permit Revenues, Fund 276	90,660.00	6,065,880.00	4,342,395.00	3,106,406.80	1,984,313.50	15,589,655.30
Other: Bank of ND Loan	1,716,000.00	0.00	0.00	0.00	0.00	1,716,000.00
Total Revenues, Fund 276	1,806,660.00	6,065,880.00	4,342,395.00	3,106,406.80	1,984,313.50	17,305,655.30
Less: Fund 276 Expenses	(1,535,916.24)	(701,852.60)	(454,708.27)	(1,638,614.73)	(2,194,132.33)	(6,525,224.17)
Other: BND Loan Repayment	0.00	(1,743,442.88)	0.00	0.00	0.00	(1,743,442.88)
Revenues Over(Under) Expenses	270,743.76	3,620,584.52	3,887,686.73	1,467,792.07	(209,818.83)	9,036,988.25
End of Bien Balance	270,743.76	3,891,328.28	7,779,015.01	9,246,807.08		

12/31/2020	Ending cash balance, E-Permits Fund 276:	9,036,988.25
	Estimated net fund 276 increase, 01/01/2021 thru 06/30/2021	142,531.00
	Subtotal	9,179,519.25
	Less: Remaining Range project expenses, E-Permits Fund 276	(841,694.26)
	Less: Remaining Drone project expenses, E-Permits Fund 276	(62,074.00)
	Less: Misc equipment expenses, E-Permits Fund 276	(163,066.00)
	Estimated Ending Cash Balance, E-Permits Fund 276, 06/30/2021	8,112,684.99

Range project appropriation from E-Permits Fund 276, 2019-2021 biennium	1,729,100
Drone project appropriation from E-Permits Fund 276, 2019-2021 biennium	96,228
Misc equipment appropriation from E-Permits Fund 276, 2019-2021 biennium	163,066
Total special projects appropriation from E-Permits Fund 276, 2019-2021 biennium	1,825,328

**Sixty-first Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 6, 2009**

SENATE BILL NO. 2011
(Appropriations Committee)
(At the request of the Governor)

AN ACT to provide an appropriation for defraying the expenses of the highway patrol; and to provide a statement of legislative intent.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. The funds provided in this section, or so much of the funds as may be necessary, are appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, and from special funds derived from federal funds and other income, to the highway patrol for the purpose of defraying the expenses of the highway patrol, for the biennium beginning July 1, 2009, and ending June 30, 2011, as follows:

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Administration	\$2,565,841	\$360,578	\$2,926,419
Field operations	34,298,998	3,079,356	37,378,354
Law enforcement training academy	1,400,689	96,253	1,496,942
Deferred maintenance	0	100,000	100,000
Total all funds	\$38,265,528	\$3,636,187	\$41,901,715
Less estimated income	11,212,205	(318,475)	10,893,730
Total general fund	\$27,053,323	\$3,954,662	\$31,007,985
Full-time equivalent positions	193.00	1.00	194.00

SECTION 2. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO SIXTY-SECOND LEGISLATIVE ASSEMBLY. The following amounts reflect the one-time funding items approved by the sixtieth legislative assembly for the 2007-09 biennium and the 2009-11 one-time funding items included in the appropriation in section 1 of this Act:

<u>One-Time Funding Description</u>	<u>2007-09</u>	<u>2009-11</u>
In-car video equipment	\$642,000	\$0
Capitol security software	50,000	0
Automated external defibrillators	150,000	0
Capitol security upgrade	0	80,000
Commercial vehicle information exchange window system	0	100,000
Weigh station repairs	0	100,000
Total general fund	\$842,000	\$280,000

The 2009-11 one-time funding amounts are not a part of the entity's base budget for the 2011-13 biennium. The highway patrol shall report to the appropriations committees of the sixty-second legislative assembly on the use of this one-time funding for the biennium beginning July 1, 2009, and ending June 30, 2011.

SECTION 3. DEFERRED MAINTENANCE - TRANSFERS. The highway patrol may transfer from the deferred maintenance line to the other lines contained in section 1 of this Act, amounts necessary to address extraordinary repair needs. Any amounts transferred must be reported to the director of the office of management and budget.

SECTION 4. SPECIAL FUNDS TRANSFER. The less estimated income line item in section 1 of this Act includes the sum of \$4,550,725, or so much of the sum as may be necessary, from the state

highway tax distribution fund which may be transferred at the direction of the superintendent of the highway patrol for the purpose of defraying the expenses of the highway patrol during the biennium beginning July 1, 2009, and ending June 30, 2011.

SECTION 5. PAYMENTS TO HIGHWAY PATROL OFFICERS. Each patrol officer of the state highway patrol is entitled to receive from funds appropriated in section 1 of this Act an amount not to exceed \$200 per month for the biennium beginning July 1, 2009, and ending June 30, 2011. The payments are in lieu of reimbursement for meals and other expenses, except lodging, while in travel status within the state of North Dakota or while at their respective home stations. The amounts must be paid at the time and in the same manner as salaries are paid to members of the highway patrol and may be paid without the presentation of receipts or other memorandums.

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

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

President of the Senate

Speaker of the House

Secretary of the Senate

Chief Clerk of the House

This certifies that the within bill originated in the Senate of the Sixty-first Legislative Assembly of North Dakota and is known on the records of that body as Senate Bill No. 2011.

Senate Vote: Yeas 46 Nays 0 Absent 1

House Vote: Yeas 94 Nays 0 Absent 0

Secretary of the Senate

Received by the Governor at _____ M. on _____, 2009.

Approved at _____ M. on _____, 2009.

Governor

Filed in this office this _____ day of _____, 2009,
at _____ o'clock _____ M.

Secretary of State

**Sixty-second Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 4, 2011**

SENATE BILL NO. 2308
(Senators Stenehjem, G. Lee)
(Representatives Carlson, Ruby)

AN ACT to create and enact a new subdivision to subsection 3 of section 39-12-02, a new subsection to section 39-12-02, and a new section to chapter 39-12 of the North Dakota Century Code, relating to special permits for oversize and overweight vehicles, a motor carrier electronic permit transaction fund, and a line of credit; to provide for a continuing appropriation; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new subdivision to subsection 3 of section 39-12-02 of the North Dakota Century Code is created and enacted as follows:

The highway patrol may establish an online electronic permit system. If the highway patrol establishes an online electronic permit system, the highway patrol shall assess an additional fifteen dollar fee for every permit issued under this section to be deposited into the motor carrier electronic permit transaction fund.

SECTION 2. A new subsection to section 39-12-02 of the North Dakota Century Code is created and enacted as follows:

There is created in the state treasury a fund known as the motor carrier electronic permit transaction fund. All money in the fund is appropriated on a continuing basis to the highway patrol to defray the costs of establishing and maintaining an online electronic permit system for permitting and routing oversize and overweight vehicles in this state. The highway patrol may contract with a private entity to establish, operate, and maintain an online electronic permit system. The online electronic permit system includes the issuance of permits under this section and an automated routing system. The automated routing system must include integration of department of transportation traveler information system information, all other data required for the automated routing system, and integration of the highway patrol computer-aided dispatch system.

SECTION 3. A new section to chapter 39-12 of the North Dakota Century Code is created and enacted as follows:

Bank of North Dakota - Line of credit.

The Bank of North Dakota shall extend a line of credit not to exceed two million five hundred sixty thousand dollars to the highway patrol until June 30, 2015, to establish an online electronic permit system. The highway patrol may access this line of credit and shall repay the line of credit with funds in the motor carrier electronic permit transaction fund.

SECTION 4. PROJECT PLANNING AND IMPLEMENTATION. The highway patrol shall involve the information technology department in the study and planning of the motor carrier electronic permit project, for the biennium beginning July 1, 2011, and ending June 30, 2013. The highway patrol shall include representatives of the information technology department on the project team responsible for the study and planning of the project and receive approval from the information technology department prior to proceeding with any study recommendations relating to the project.

SECTION 5. EMERGENCY. This Act is declared to be an emergency measure.

President of the Senate

Speaker of the House

Secretary of the Senate

Chief Clerk of the House

This certifies that the within bill originated in the Senate of the Sixty-second Legislative Assembly of North Dakota and is known on the records of that body as Senate Bill No. 2308 and that two-thirds of the members-elect of the Senate voted in favor of said law.

Vote: Yeas 47 Nays 0 Absent 0

President of the Senate

Secretary of the Senate

This certifies that two-thirds of the members-elect of the House of Representatives voted in favor of said law.

Vote: Yeas 94 Nays 0 Absent 0

Speaker of the House

Chief Clerk of the House

Received by the Governor at _____ M. on _____, 2011.

Approved at _____ M. on _____, 2011.

Governor

Filed in this office this _____ day of _____, 2011,
at _____ o'clock _____ M.

Secretary of State

**Sixty-fifth Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 3, 2017**

**SENATE BILL NO. 2011
(Appropriations Committee)**

AN ACT to provide an appropriation for defraying the expenses of the highway patrol; to create and enact a new section to chapter 39-03 of the North Dakota Century Code, relating to capitol building access cards; to amend and reenact subdivision j of subsection 3 of section 39-12-02 of the North Dakota Century Code, relating to fees for electronic permits; and to provide for a transfer.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. The funds provided in this section, or so much of the funds as may be necessary, are appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, and from special funds derived from federal funds and other income, to the highway patrol for the purpose of defraying the expenses of the highway patrol, for the biennium beginning July 1, 2017, and ending June 30, 2019, as follows:

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Administration	\$3,550,401	(\$3,550,401)	\$0
Field operations	<u>52,348,835</u>	<u>5,239,871</u>	<u>57,588,706</u>
Total all funds	\$55,899,236	\$1,689,470	\$57,588,706
Less estimated income	<u>12,955,491</u>	<u>2,105,787</u>	<u>15,061,278</u>
Total general fund	\$42,943,745	(\$416,317)	\$42,527,428
Full-time equivalent positions	215.00	(11.00)	204.00

SECTION 2. HEALTH INSURANCE INCREASE. Section 1 of this Act includes the sum of \$533,578, of which \$426,619 is from the general fund, for increases in employee health insurance premiums from \$1,130 to \$1,241 per month.

SECTION 3. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO SIXTY-SIXTH LEGISLATIVE ASSEMBLY. The following amounts reflect the one-time funding items approved by the sixty-fourth legislative assembly as adjusted for the 2015-17 biennium and the 2017-19 biennium one-time funding items included in the appropriation in section 1 of this Act:

<u>One-Time Funding Description</u>	<u>2015-17</u>	<u>2017-19</u>
Mobile radio equipment	\$626,000	\$0
Outdoor range upgrade	38,000	0
Skid car training system	66,000	0
New trooper startup costs	33,863	0
Taser and AED equipment	0	358,000
Total all funds	\$763,863	\$358,000
Total special funds	<u>107,050</u>	<u>358,000</u>
Total general fund	\$656,813	\$0

The 2017-19 biennium one-time funding amounts are not a part of the entity's base budget for the 2019-21 biennium. The highway patrol shall report to the appropriations committees of the sixty-sixth legislative assembly on the use of this one-time funding for the biennium beginning July 1, 2017, and ending June 30, 2019.

SECTION 4. SPECIAL FUNDS TRANSFER - HIGHWAY TAX DISTRIBUTION FUND. The estimated income line item in section 1 of this Act includes the sum of \$6,912,904, or so much of the sum as may be necessary, from the state highway tax distribution fund which may be transferred at

the direction of the superintendent of the highway patrol for the purpose of defraying the expenses of the highway patrol during the biennium beginning July 1, 2017, and ending June 30, 2019.

SECTION 5. MOTOR CARRIER ELECTRONIC PERMIT TRANSACTION FUND. The estimated income line item in section 1 of this Act includes \$1,369,165 from the motor carrier electronic permit transaction fund for the purpose of defraying various expenses associated with the issuance of permits and other nonenforcement motor carrier and administrative activities during the biennium beginning July 1, 2017, and ending June 30, 2019.

SECTION 6. STRATEGIC INVESTMENT AND IMPROVEMENTS FUND. The estimated income line item in section 1 of this Act includes \$358,000 of one-time funding from the strategic investment and improvements fund for equipment replacement during the biennium beginning July 1, 2017, and ending June 30, 2019.

SECTION 7. PAYMENTS TO HIGHWAY PATROL OFFICERS. Each patrol officer of the state highway patrol is entitled to receive from funds appropriated in section 1 of this Act an amount not to exceed \$200 per month for the biennium beginning July 1, 2017, and ending June 30, 2019. The payments are in lieu of reimbursement for meals and other expenses, except lodging, while in travel status within the state of North Dakota or while at the patrol officers' respective home stations. The amounts must be paid at the time and in the same manner as salaries are paid to members of the highway patrol and may be paid without the presentation of receipts or other memorandums.

SECTION 8. A new section to chapter 39-03 of the North Dakota Century Code is created and enacted as follows:

Capitol building access card fund - Continuing appropriation.

There is created in the state treasury a capitol building access card fund. The fund consists of any fees received by the superintendent for the issuance of capitol building access cards. The superintendent shall establish policies regarding the issuance of capitol building access cards and may charge a fee of ten dollars for each access card issued to an individual who is not an employee of the state of North Dakota. All moneys in the fund are appropriated to the highway patrol on a continuing basis for costs associated with the issuance of capitol building access cards and capitol complex security needs.

SECTION 9. AMENDMENT. Subdivision j of subsection 3 of section 39-12-02 of the North Dakota Century Code is amended and reenacted as follows:

- j. The highway patrol may establish an online electronic permit system. If the highway patrol establishes an online electronic permit system, the highway patrol shall assess an additional ~~fee of up to fifteen dollar-feedollars~~ for every permit issued under this section to be deposited into the motor carrier electronic permit transaction fund.

President of the Senate

Speaker of the House

Secretary of the Senate

Chief Clerk of the House

This certifies that the within bill originated in the Senate of the Sixty-fifth Legislative Assembly of North Dakota and is known on the records of that body as Senate Bill No. 2011.

Senate Vote: Yeas 45 Nays 1 Absent 1

House Vote: Yeas 86 Nays 5 Absent 3

Secretary of the Senate

Received by the Governor at _____ M. on _____, 2017.

Approved at _____ M. on _____, 2017.

Governor

Filed in this office this _____ day of _____, 2017,

at _____ o'clock _____ M.

Secretary of State

2017-19 legislative appropriations

	FTE Positions	General Fund	Other Funds	Total
2017-19 base budget	204.00	\$42,527,428	\$18,339,278	\$60,866,706
Legislative increase (decrease) to base budget	215.00	42,943,745	12,955,491	55,899,236
	(11.00)	(\$416,317)	\$5,383,787	\$4,967,470

ONGOING AND ONE-TIME GENERAL FUND APPROPRIATIONS

2017-19 legislative appropriations

2015-17 adjusted legislative appropriations	Ongoing General Fund Appropriation	One-Time General Fund Appropriation	Total General Fund Appropriation
2017-19 legislative increase (decrease) to 2015-17 adjusted appropriations	\$42,527,428	\$0	\$42,527,428
Percentage increase (decrease) to 2015-17 adjusted appropriations	42,943,745	656,813	43,600,558
	(\$416,317)	(\$656,813)	(\$1,073,130)
	(1.0%)	(100.0%)	(2.5%)

SUMMARY OF LEGISLATIVE CHANGES TO THE BASE BUDGET AND MAJOR FUNDING ITEMS

The Legislative Assembly did not include funding for employee salary increases.
Salaries and Wages

Changes to Base Budget

	FTE Positions	General Fund	Other Funds	Total
The legislative action:				
Added funding for base payroll changes for cost-to-continue 2015-17 biennium salaries and benefit increases and for other base budget changes.		\$260,689	\$628,312	\$889,001
Added funding for employee health insurance premiums to reflect a revised premium rate of \$1,240.83 per month.		426,619	106,959	533,578
Removed 9 FTE Trooper positions. (Funding of \$1,810,120 from the general fund was removed as part of the August 2016 budget reductions)	(9.00)		(214,046)	(214,046)
Removed 2 FTE nonsworn positions. (Funding of \$489,482 from the general fund for these and other vacant positions was removed as part of the August 2016 budget reductions)	(2.00)	(14,210)	(46,887)	(61,097)
Added funding for Trooper on-call pay.		323,750	46,250	370,000

Added funding for operating expenses and equipment.

Adjusted the funding source for permit section staff salaries and wages and related expenses of \$1,269,165 from the general fund to the motor carrier electronic permit transaction fund. Appropriation authority of \$100,000 was also added from the electronic permit transaction fund for nonenforcement motor carrier activities.

Provided one-time funding from the strategic investment and improvements fund for Taser and AED equipment replacement.

Added one-time special fund authority to allow the Highway Patrol to expend special funds received from the Adjutant General for expenses of law enforcement support related to the Dakota Access Pipeline protest. (House Bill No. 1024)

Added one-time special fund authority for a loan from the Bank of North Dakota for the purpose of implementing an electronic payment processing system and to repay the loan with accrued interest. (Senate Bill No. 2021)

(144,000)	(141,966)	(285,966)
(1,269,165)	1,369,165	100,000

358,000

358,000

3,234,000

3,234,000

44,000

44,000

Total

(11.00)

(\$416,317)

\$5,383,787

\$4,967,470

FTE Changes

The 2017-19 biennium appropriations for the Highway Patrol include funding for 204 FTE positions, a decrease of 11 FTE positions from the 2015-17 biennium. The Legislative Assembly removed 9 FTE Trooper positions and 2 FTE nonsworn positions. The Legislative Assembly also transferred funding from 1 FTE trooper position to fill 2 unfunded Capitol security positions.

One-Time Funding

The following is a summary of one-time funding included in the 2017-19 legislative appropriations for the Highway Patrol:

	Other Funds
Taser and AED equipment replacement (strategic investment and improvements fund) (Senate Bill No. 2011)	\$358,000
Law enforcement support related to the Dakota Access Pipeline protest (special funds received from the Adjutant General) (House Bill No. 1024)	3,234,000
Implementation of an electronic payment processing system (Bank of North Dakota loan proceeds and special fund authority for loan repayment) (Senate Bill No. 2021)	44,000
Total	\$3,636,000

Other Sections in Senate Bill No. 2011

Health insurance increase - Section 2 identifies the amount of funding included in the agency budget for state employee health insurance premium rate increases during the 2017-19 biennium.

Funding from highway tax distribution fund - Section 4 provides that \$6,912,904 of the special funds appropriation for the Highway Patrol is from the highway tax distribution fund.

Funding from motor carrier electronic permit transaction fund - Section 5 provides that \$1,369,165 of the special funds appropriation for the Highway Patrol is from the motor carrier electronic permit transaction fund.

Funding from strategic investment and improvements fund - Section 6 provides that \$358,000 of the special funds appropriation for the Highway Patrol is one-time funding from the strategic investment and improvements fund for Taser and AED equipment replacement.

Officer per diem - Section 7 provides officer per diem of \$200 per month which is in lieu of reimbursement for meals and other expenses while in travel status within the state. This is the same amount of monthly officer per diem as provided during the 2015-17 biennium.

Capitol building access cards - Section 8 creates a new section to North Dakota Century Code Chapter 39-03 to authorize the Highway Patrol to charge nonstate employees \$10 for a Capitol building access card. The section provides for the fees to be deposited in a Capitol building access card fund. Any money deposited in the fund is appropriated to the Highway Patrol for Capitol building security needs.

Motor carrier electronic permit fees - Section 9 amends Section 39-12-02 to require the Highway Patrol to charge up to \$15 for issuing an electronic permit. The section currently requires a \$15 fee to be charged for each permit. The fees charged for the electronic permit are deposited in the motor carrier electronic permit transaction fund.

Related Legislation

Statewide interoperable radio network - House Bill No. 1178 authorizes the creation of a statewide interoperable radio network and increases the assessed communications services fee and prepaid wireless emergency 911 fee.

Community outreach programs and other adjustments - Senate Bill No. 2097 adds a new subsection to Section 39-03-09 to allow the Highway Patrol to promote public trust and understanding through education, community outreach, and job shadowing programs. The bill also makes other various adjustments to statute to clarify the contents on Highway Patrol officer badges, to update language relating to the issuance of overweight and oversize vehicle permits, and to clarify the ability of public security personnel to possess weapons.

**Sixty-sixth Legislative Assembly of North Dakota
In Regular Session Commencing Thursday, January 3, 2019**

**HOUSE BILL NO. 1011
(Appropriations Committee)**

AN ACT to provide an appropriation for defraying the expenses of the highway patrol; to create and enact section 39-03-09.1 of the North Dakota Century Code, relating to job shadowing with the highway patrol; to provide for a transfer; to provide an exemption; and to provide for a report.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. The funds provided in this section, or so much of the funds as may be necessary, are appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, and from special funds derived from federal funds and other income, to the highway patrol for the purpose of defraying the expenses of the highway patrol, for the biennium beginning July 1, 2019, and ending June 30, 2021, as follows:

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Highway patrol	\$57,230,706	\$4,263,397	\$61,494,103
Total all funds	\$57,230,706	\$4,263,397	\$61,494,103
Less estimated income	14,703,278	2,495,420	17,198,698
Total general fund	\$42,527,428	\$1,767,977	\$44,295,405
Full-time equivalent positions	204.00	(7.00)	197.00

SECTION 2. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO SIXTY-SEVENTH LEGISLATIVE ASSEMBLY. The following amounts reflect one-time funding items approved by the sixty-fifth legislative assembly for the 2017-19 biennium and the one-time funding items included in the appropriation in section 1 of this Act:

<u>One-Time Funding Description</u>	<u>2017-19</u>	<u>2019-21</u>
Taser and AED equipment	\$358,000	\$0
Pipeline protest law enforcement support	3,234,000	0
Electronic payment processing system	44,000	0
Aircraft engine overhaul	0	81,830
Drone purchase	0	96,228
Shooting range addition	0	1,729,100
Total all funds	\$3,636,000	\$1,907,158
Total special funds	3,636,000	1,825,328
Total general fund	\$0	\$81,830

The 2019-21 biennium one-time funding amounts are not a part of the entity's base budget for the 2021-23 biennium. The highway patrol shall report to the appropriations committees of the sixty-seventh legislative assembly on the use of this one-time funding for the biennium beginning July 1, 2019, and ending June 30, 2021.

SECTION 3. Section 39-03-09.1 of the North Dakota Century Code is created and enacted as follows:

39-03-09.1. Job shadowing.

For purposes of education and community outreach, and to promote public trust, the superintendent may permit a nonmember of the highway patrol to participate in job shadowing activities, including:

1. Participating in a ride-along program with a member of the highway patrol while on duty;

2. Operating a highway patrol motor vehicle on a closed course under the supervision of a member of the highway patrol; and
3. Discharging a firearm owned and used by the highway patrol while at a training facility and under the supervision of a member of the highway patrol.

SECTION 4. SPECIAL FUNDS TRANSFER - HIGHWAY TAX DISTRIBUTION FUND. The estimated income line item in section 1 of this Act includes the sum of \$7,204,043, or so much of the sum as may be necessary, from the state highway tax distribution fund which may be transferred at the direction of the superintendent of the highway patrol for the purpose of defraying the expenses of the highway patrol during the biennium beginning July 1, 2019, and ending June 30, 2021.

SECTION 5. MOTOR CARRIER ELECTRONIC PERMIT TRANSACTION FUND. The estimated income line item in section 1 of this Act includes \$3,356,069 from the motor carrier electronic permit transaction fund for the purpose of defraying various expenses associated with the issuance of permits and other nonenforcement motor carrier and administrative activities, including the purchase of equipment and the construction of an addition to the indoor shooting range, during the biennium beginning July 1, 2019, and ending June 30, 2021.

SECTION 6. EXEMPTION. The amount of \$28,171 appropriated for an aircraft engine overhaul in the special funds line item in section 2 of chapter 23 of the 2017 Session Laws is not subject to section 54-44.1-11 and may be continued into the biennium beginning July 1, 2019, and ending June 30, 2021.

SECTION 7. PAYMENTS TO HIGHWAY PATROL OFFICERS. Each patrol officer of the state highway patrol is entitled to receive from funds appropriated in section 1 of this Act an amount not to exceed \$200 per month for the biennium beginning July 1, 2019, and ending June 30, 2021. The payments are in lieu of reimbursement for meals and other expenses, except lodging, while in travel status within the state of North Dakota or while at the patrol officers' respective home stations. The amounts must be paid at the time and in the same manner as salaries are paid to members of the highway patrol and may be paid without the presentation of receipts or other memorandums.

SECTION 8. RELOCATION OF LAW ENFORCEMENT TRAINING ACADEMY - REPORT TO SIXTY-SEVENTH LEGISLATIVE ASSEMBLY. During the 2019-20 interim, the highway patrol shall develop alternatives to relocate the housing and classroom portions of the law enforcement training academy. In developing the alternatives, the highway patrol shall review locations for a new facility, evaluate the proper capacity of the facility to serve future law enforcement training needs, and obtain estimated costs of each alternative. The highway patrol shall report to the appropriations committees of the sixty-seventh legislative assembly regarding the alternatives to relocate the training academy.

Speaker of the House

President of the Senate

Chief Clerk of the House

Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Sixty-sixth Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1011.

House Vote: Yeas 77 Nays 14 Absent 3

Senate Vote: Yeas 46 Nays 1 Absent 0

Chief Clerk of the House

Received by the Governor at _____ M. on _____, 2019.

Approved at _____ M. on _____, 2019.

Governor

Filed in this office this _____ day of _____, 2019,

at _____ o'clock _____ M.

Secretary of State

2019-21 legislative appropriations

2019-21 base budget

Legislative increase (decrease) to base budget

FTE Positions	General Fund	Other Funds	Total
197.00	\$44,295,405	\$17,198,698	\$61,494,103
204.00	42,527,428	14,703,278	57,230,706
(7.00)	\$1,767,977	\$2,495,420	\$4,263,397

ONGOING AND ONE-TIME GENERAL FUND APPROPRIATIONS

2019-21 legislative appropriations

2017-19 legislative appropriations

2019-21 legislative increase (decrease) to 2017-19 appropriations

Percentage increase (decrease) to 2017-19 appropriations

Ongoing General Fund Appropriation	One-Time General Fund Appropriation	Total General Fund Appropriation
\$44,213,575	\$81,830	\$44,295,405
42,527,428	0	42,527,428
\$1,686,147	\$81,830	\$1,767,977
4.0%	100.0%	4.2%

SUMMARY OF LEGISLATIVE CHANGES TO THE BASE BUDGET AND MAJOR FUNDING ITEMS
Changes to Base Budget

The legislative action:

Adjusted funding for base payroll and budget changes.

Added funding to provide employee salary increases of 2 percent on July 1, 2019, with a minimum monthly increase of \$120 and a maximum monthly increase of \$200, and 2.5 percent on July 1, 2020.

Added funding for employee health insurance premiums to reflect a revised premium estimate of \$1,426.74 per month.

Removed 4 FTE administrative assistant positions.

Removed 1 FTE cook position.

Removed the authorization for 2 FTE trooper positions and related operating expenses for the positions. Salary funding of \$255,000 for the positions was not removed and is to be used for agency salary equity funding increases.

FTE Positions	General Fund	Other Funds	Total
	\$207,842	(\$81,149)	\$126,693
	889,387	297,576	1,186,963
	639,459	212,798	852,257
(4.00)	(372,697)	(87,683)	(460,380)
(1.00)	(105,559)	(17,184)	(122,743)
(2.00)	(95,120)	(20,880)	(116,000)

funding for increases in operating expenses, including lease rate increases (\$30,000), mileage rate increases (\$364,000), trooper cell phones (\$78,000), costs of issuing state employee ID cards (\$12,000), operating costs of the indoor shooting range (\$70,000), and Microsoft Office 365 licensing costs (\$146,349).

Added funding from the motor carrier electronic permit fund (\$163,066) and highway tax distribution fund (\$26,034) for ongoing equipment replacement costs, including body armor (\$143,100), Taser cartridges (\$32,000), and automated external defibrillator pad replacements (\$14,000).

Added one-time funding for costs to overhaul the agency's aircraft engine.

Added one-time funding from the motor carrier electronic permit fund to purchase drones.

Added one-time funding from the motor carrier electronic permit fund to construct an addition to the agency's shooting range.

Total

(7.00)

\$1,767,977

\$2,495,420

\$4,263,397

FTE Changes

The 2019-21 biennium appropriations for the Highway Patrol include funding for 197 FTE positions, a decrease of 7 FTE positions from the 2017-19 biennium. The Legislative Assembly removed 4 FTE administrative assistant positions, 2 FTE trooper positions, and 1 FTE cook position.

One-Time Funding

The following is a summary of one-time funding included in the 2019-21 biennium legislative appropriations for the Highway Patrol:

	General Fund	Motor Carrier	
		Electronic Permit Fund	Total
Aircraft engine overhaul	\$81,830	\$0	\$81,830
Drone purchases	0	96,228	96,228
Shooting range addition	0	1,729,100	1,729,100
Total	\$81,830	\$1,825,328	\$1,907,158

Other Sections in House Bill No. 1011

Job shadowing and community outreach - Section 3 creates North Dakota Century Code Section 39-03-09.1 to allow individuals to participate in job shadowing and other community outreach events sponsored by the Highway Patrol.

Funding from highway tax distribution fund - Section 4 provides that \$7,204,043 of the special funds appropriation for the Highway Patrol is from the highway tax distribution fund.

Funding from motor carrier electronic permit fund - Section 5 provides that \$3,356,069 of the special funds appropriation for the Highway Patrol is from the motor carrier electronic permit fund.

Car authority for aircraft engine overhaul - Section 6 authorizes the Highway Patrol to continue \$28,171 of 2017-19 biennium special funds appropriation authority provided for an aircraft engine overhaul into the 2019-21 biennium. This amount is in addition to the 2019-21 biennium \$81,830 general fund appropriation for the engine overhaul.

Officer per diem - Section 7 provides officer per diem of \$200 per month which is in lieu of reimbursement for meals and other expenses while in travel status within the state. This is the same amount of monthly officer per diem as provided during the 2017-19 biennium.

Alternatives to relocate the Law Enforcement Training Academy - Section 8 requires the Highway Patrol to develop alternatives to relocate the Law Enforcement Training Academy and to report to the Appropriations Committees of the 67th Legislative Assembly regarding the alternatives.

Related Legislation

Highway Patrol jurisdiction - House Bill No. 1223 amends Section 39-03-03 to clarify the jurisdictional areas where the Highway Patrol may exercise general police power.

Highway Patrol trooper probationary period - Senate Bill No. 2103 amends Section 39-03-03 to provide new troopers are subject to a 6-month probationary employment period.