

Sixty-eighth  
Legislative Assembly  
of North Dakota

ENGROSSED HOUSE BILL NO. 1011

Introduced by

Appropriations Committee

1 A BILL for an Act to provide an appropriation for defraying the expenses of the highway patrol;  
2 to create and enact section 39-03-18.1 of the North Dakota Century Code, relating to a federal  
3 assets forfeiture fund; to provide an exemption; to provide a continuing appropriation; and to  
4 provide for a transfer.

5 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

6 **SECTION 1. APPROPRIATION.** The funds provided in this section, or so much of the funds  
7 as may be necessary, are appropriated out of any moneys in the general fund in the state  
8 treasury, not otherwise appropriated, and from special funds derived from federal funds and  
9 other income, to the highway patrol for the purpose of defraying the expenses of the highway  
10 patrol, for the biennium beginning July 1, 2023, and ending June 30, 2025, as follows:

	Base Level	Adjustments or Enhancements	Appropriation
13 <del>Highway patrol</del>	<del>\$62,113,414</del>	<del>\$11,715,136</del>	<del>\$73,828,550</del>
14 <del>Total all funds</del>	<del>\$62,113,414</del>	<del>\$11,715,136</del>	<del>\$73,828,550</del>
15 <del>Less estimated income</del>	<del>25,785,652</del>	<del>(3,668,019)</del>	<del>22,117,633</del>
16 <del>Total general fund</del>	<del>\$36,327,762</del>	<del>\$15,383,155</del>	<del>\$51,710,917</del>
17 <del>Full-time equivalent positions</del>	<del>193.00</del>	<del>9.00</del>	<del>202.00</del>
18 <u>Highway patrol</u>	<u>\$62,113,414</u>	<u>\$8,633,574</u>	<u>\$70,746,988</u>
19 <u>Total all funds</u>	<u>\$62,113,414</u>	<u>\$8,633,574</u>	<u>\$70,746,988</u>
20 <u>Less estimated income</u>	<u>25,785,652</u>	<u>(4,512,750)</u>	<u>21,272,902</u>
21 <u>Total general fund</u>	<u>\$36,327,762</u>	<u>\$13,146,324</u>	<u>\$49,474,086</u>
22 <u>Full-time equivalent positions</u>	<u>193.00</u>	<u>12.00</u>	<u>205.00</u>

23 **SECTION 2. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO**  
24 **SIXTY-NINTH LEGISLATIVE ASSEMBLY.** The following amounts reflect the one-time funding

1 items approved by the sixty-seventh legislative assembly for the 2021-23 biennium and the  
2 one-time funding items included in the appropriation in section 1 of this Act:

3	<u>One-Time Funding Description</u>	<u>2021-23</u>	<u>2023-25</u>
4	<del>Commercial motor carrier system</del>	<del>\$275,000</del>	<del>\$0</del>
5	<u>Commercial motor carrier system</u>	<u>\$275,000</u>	<u>\$150,000</u>
6	Hard body armor	265,000	0
7	Body and in-car cameras	1,158,000	0
8	Training academy remodel	3,000,000	0
9	Law enforcement radios	2,612,000	0
10	<del>New trooper startup costs</del>	<del>0</del>	<del>477,000</del>
11	<u>New trooper startup costs</u>	<u>0</u>	<u>636,000</u>
12	Inflationary increases	0	2,562,000
13	Narcotics tester	0	60,000
14	Unmanned aerial vehicle program	0	104,000
15	Motor carrier program	0	427,000
16	<del>Technology enhancements</del>	<del>0</del>	<del>170,000</del>
17	<del>Shooting range repairs</del>	<del>0</del>	<del>200,000</del>
18	<del>Total all funds</del>	<del>\$7,310,000</del>	<del>\$4,000,000</del>
19	<del>Less estimated income</del>	<del>7,310,000</del>	<del>1,157,956</del>
20	<del>Total general fund</del>	<del>\$0</del>	<del>\$2,842,044</del>
21	<u>Technology enhancements</u>	<u>0</u>	<u>170,000</u>
22	<u>Total all funds</u>	<u>\$7,310,000</u>	<u>\$4,109,000</u>
23	<u>Less estimated income</u>	<u>7,310,000</u>	<u>1,130,216</u>
24	<u>Total general fund</u>	<u>\$0</u>	<u>\$2,978,784</u>

25 The 2023-25 biennium one-time funding amounts are not a part of the entity's base budget  
26 for the 2025-27 biennium. The highway patrol shall report to the appropriations committees of  
27 the sixty-ninth legislative assembly on the use of this one-time funding for the biennium  
28 beginning July 1, 2023, and ending June 30, 2025.

29 **SECTION 3. ESTIMATED INCOME - TRANSFER - HIGHWAY TAX DISTRIBUTION FUND.**

30 The estimated income line item in section 1 of this Act includes the sum of

31 ~~\$11,575,949~~ \$11,238,321, or so much of the sum as may be necessary, from the state highway

1 tax distribution fund which may be transferred at the direction of the superintendent of the  
2 highway patrol for defraying the expenses of the highway patrol during the biennium beginning  
3 July 1, 2023, and ending June 30, 2025.

4 **SECTION 4. ESTIMATED INCOME - MOTOR CARRIER ELECTRONIC PERMIT**

5 **TRANSACTION FUND.** The estimated income line item in section 1 of this Act includes  
6 ~~\$1,648,955~~\$1,374,248 from the motor carrier electronic permit transaction fund for defraying  
7 various expenses associated with the issuance of permits and other nonenforcement motor  
8 carrier and administrative activities.

9 **SECTION 5. TRANSFER - MOTOR CARRIER ELECTRONIC PERMIT FUND TO NORTH**

10 **DAKOTA HIGHWAY PATROLMEN'S RETIREMENT FUND.** The office of management and  
11 budget shall transfer the sum of ~~\$2,000,000~~\$3,000,000 from the motor carrier electronic permit  
12 fund to the North Dakota highway patrolmen's retirement fund for the purpose of reducing the  
13 unfunded liability of the North Dakota highway patrolmen's retirement plan during the biennium  
14 beginning July 1, 2023, and ending June 30, 2025.

15 **SECTION 6. EXEMPTION.** The sum of \$3,000,000 of federal funds appropriated in  
16 section 6 of chapter 15 of the 2021 Session Laws for the law enforcement training academy  
17 project is not subject to the provisions of section 54-44.1-11 and may be continued into the  
18 biennium beginning July 1, 2023, and ending June 30, 2025.

19 **SECTION 7. PAYMENTS TO HIGHWAY PATROL OFFICERS.** Each patrol officer of the  
20 state highway patrol is entitled to receive from funds appropriated in section 1 of this Act an  
21 amount not to exceed \$200 per month for the biennium beginning July 1, 2023, and ending  
22 June 30, 2025. The payments are in lieu of reimbursement for meals and other expenses,  
23 except lodging, while in travel status within the state of North Dakota or while at the patrol  
24 officers' respective home stations. The amounts must be paid at the time and in the same  
25 manner as salaries are paid to members of the highway patrol and may be paid without the  
26 presentation of receipts or other memorandums.

27 **SECTION 8.** Section 39-03-18.1 of the North Dakota Century Code is created and enacted  
28 as follows:

1 **39-03-18.1. Highway patrol - Federal assets forfeiture fund - Continuing**  
2 **appropriation.**

3 There is created in the state treasury the highway patrol federal assets forfeiture fund. The  
4 fund consists of moneys received through federal asset forfeiture sharing programs. Funds  
5 received through federal sharing programs may not be deposited in the same account as assets  
6 forfeited pursuant to section 39-03-18. Up to three hundred thousand dollars are appropriated  
7 from the fund on a continuing basis each biennium to the highway patrol. Funding may be used  
8 only for eligible purchases identified by the federal department of justice and federal department  
9 of treasury. The superintendent, with the concurrence of the director of the office of  
10 management and budget, shall establish the necessary accounting procedures in accordance  
11 with the federal asset sharing program for the use of the fund. All expenditures of moneys in the  
12 fund must be approved by the superintendent.

13 **SECTION 9. EXEMPTION.** The sum of \$225,000 of federal funds appropriated in section 1  
14 of chapter 39 of the 2021 Session Laws for the commercial vehicle information exchange  
15 window system is not subject to the provisions of section 54-44.1-11 and may be continued into  
16 the biennium beginning July 1, 2023, and ending June 30, 2025.