

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; to provide
 4 a report; and to 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 Highway patrol	\$62,113,414	\$11,715,136	\$73,828,550
14 Total all funds	\$62,113,414	\$11,715,136	\$73,828,550
15 Less estimated income	25,785,652	(3,668,019)	22,117,633
16 Total general fund	\$36,327,762	\$15,383,155	\$51,710,917
17 Full-time equivalent positions	193.00	9.00	202.00
18 <u>Highway patrol</u>	<u>\$62,113,414</u>	<u>\$9,075,774</u>	<u>\$71,189,188</u>
19 <u>Total all funds</u>	<u>\$62,113,414</u>	<u>\$9,075,774</u>	<u>\$71,189,188</u>
20 <u>Less estimated income</u>	<u>25,785,652</u>	<u>(4,035,290)</u>	<u>21,750,362</u>
21 <u>Total general fund</u>	<u>\$36,327,762</u>	<u>\$13,111,064</u>	<u>\$49,438,826</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	Commercial motor carrier system	\$275,000	\$0
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	New trooper startup costs	0	477,000
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	Technology enhancements	0	170,000
17	Shooting range repairs	0	200,000
18	Total all funds	\$7,310,000	\$4,000,000
19	Less estimated income	7,310,000	1,157,956
20	Total general fund	\$0	\$2,842,044
21	<u>Technology enhancements</u>	<u>0</u>	<u>283,200</u>
22	<u>Shooting range repairs</u>	<u>0</u>	<u>200,000</u>
23	<u>Total all funds</u>	<u>\$7,310,000</u>	<u>\$4,422,200</u>
24	<u>Less estimated income</u>	<u>7,310,000</u>	<u>1,589,616</u>
25	<u>Total general fund</u>	<u>\$0</u>	<u>\$2,832,584</u>

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

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

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

1 | ~~\$11,575,949~~\$11,256,381, or so much of the sum as may be necessary, from the state highway
2 tax distribution fund which may be transferred at the direction of the superintendent of the
3 highway patrol for defraying the expenses of the highway patrol during the biennium beginning
4 July 1, 2023, and ending June 30, 2025.

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

6 | **TRANSACTION FUND.** The estimated income line item in section 1 of this Act includes

7 | ~~\$1,648,955~~\$1,633,648 from the motor carrier electronic permit transaction fund for defraying
8 various expenses associated with the issuance of permits and other nonenforcement motor
9 carrier and administrative activities.

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

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

16 | **SECTION 6. EXEMPTION - UNEXPENDED APPROPRIATIONS.** The following
17 appropriations are not subject to the provisions of section 54-44.1-11 and may be continued into
18 the biennium beginning July 1, 2023, and ending June 30, 2025:

- 19 | 1. The sum of \$3,000,000 of federal funds appropriated in section 6 of chapter 15 of the
20 2021 Session Laws for the law enforcement training academy project.
- 21 | 2. The sum of \$225,000 of federal funds appropriated in section 1 of chapter 39 of the
22 2021 Session Laws for the commercial vehicle information exchange window system.
- 23 | 3. The sum of \$2,612,000 of federal funds derived from the state fiscal recovery fund
24 appropriated in subsection 21 of section 1 of chapter 550 of the 2021 Special Session
25 Session Laws for purchasing radios compatible with the statewide interoperable radio
26 network.

27 | **SECTION 7. PAYMENTS TO HIGHWAY PATROL OFFICERS.** Each patrol officer of the
28 state highway patrol is entitled to receive from funds appropriated in section 1 of this Act an
29 amount not to exceed \$200 per month for the biennium beginning July 1, 2023, and ending
30 June 30, 2025. The payments are in lieu of reimbursement for meals and other expenses,
31 except lodging, while in travel status within the state of North Dakota or while at the patrol

1 officers' respective home stations. The amounts must be paid at the time and in the same
2 manner as salaries are paid to members of the highway patrol and may be paid without the
3 presentation of receipts or other memorandums.

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

6 **39-03-18.1. Highway patrol - Federal assets forfeiture fund - Continuing**
7 **appropriation.**

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

18 **SECTION 9. DEFERRED MAINTENANCE - UNEXPENDED APPROPRIATIONS.** Pursuant
19 to section 54-44.1-11, the highway patrol may submit a request to the chairmen of the
20 appropriations committees of the senate and house of representatives of the legislative
21 assembly and office of management and budget to continue unexpended appropriation
22 authority transferred to the agency for deferred maintenance under subsection 10 of section 1
23 of chapter 550 of the 2021 Special Session Session Laws.