

**FIRST ENGROSSMENT
with Senate Amendments
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:

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
11 Highway patrol	\$62,113,414	\$8,633,574	\$70,746,988
12 Total all funds	\$62,113,414	\$8,633,574	\$70,746,988
13 Less estimated income	<u>25,785,652</u>	<u>(4,512,750)</u>	<u>21,272,902</u>
14 Total general fund	\$36,327,762	\$13,146,324	\$49,474,086
15 Full-time equivalent positions	193.00	12.00	205.00

16 **SECTION 2. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO**
17 **SIXTY-NINTH LEGISLATIVE ASSEMBLY.** The following amounts reflect the one-time funding
18 items approved by the sixty-seventh legislative assembly for the 2021-23 biennium and the
19 one-time funding items included in the appropriation in section 1 of this Act:

	<u>One-Time Funding Description</u>	<u>2021-23</u>	<u>2023-25</u>
20 Commercial motor carrier system		\$275,000	\$150,000
21 Hard body armor		265,000	0

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1	Body and in-car cameras	1,158,000	0
2	Training academy remodel	3,000,000	0
3	Law enforcement radios	2,612,000	0
4	New trooper startup costs	0	636,000
5	Inflationary increases	0	2,562,000
6	Narcotics tester	0	60,000
7	Unmanned aerial vehicle program	0	104,000
8	Motor carrier program	0	427,000
9	Technology enhancements	<u>0</u>	<u>170,000</u>
10	Total all funds	\$7,310,000	\$4,109,000
11	Less estimated income	<u>7,310,000</u>	<u>1,130,216</u>
12	Total general fund	\$0	\$2,978,784

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

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

18 The estimated income line item in section 1 of this Act includes the sum of \$11,238,321, or so
19 much of the sum as may be necessary, from the state highway tax distribution fund which may
20 be transferred at the direction of the superintendent of the highway patrol for defraying the
21 expenses of the highway patrol during the biennium beginning July 1, 2023, and ending
22 June 30, 2025.

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

24 **TRANSACTION FUND.** The estimated income line item in section 1 of this Act includes
25 \$1,374,248 from the motor carrier electronic permit transaction fund for defraying various
26 expenses associated with the issuance of permits and other nonenforcement motor carrier and
27 administrative activities.

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

29 **DAKOTA HIGHWAY PATROLMEN'S RETIREMENT FUND.** The office of management and
30 budget shall transfer the sum of \$3,000,000 from the motor carrier electronic permit fund to the
31 North Dakota highway patrolmen's retirement fund for the purpose of reducing the unfunded

1 liability of the North Dakota highway patrolmen's retirement plan during the biennium beginning
2 July 1, 2023, and ending June 30, 2025.

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

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

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

17 **39-03-18.1. Highway patrol - Federal assets forfeiture fund - Continuing**
18 **appropriation.**

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

29 **SECTION 9. EXEMPTION.** The sum of \$225,000 of federal funds appropriated in section 1
30 of chapter 39 of the 2021 Session Laws for the commercial vehicle information exchange

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- 1 window system is not subject to the provisions of section 54-44.1-11 and may be continued into
- 2 the biennium beginning July 1, 2023, and ending June 30, 2025.