

**FIRST ENGROSSMENT
with Conference Committee 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; 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:

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
11 Highway patrol	\$62,113,414	\$9,075,774	\$71,189,188
12 Total all funds	\$62,113,414	\$9,075,774	\$71,189,188
13 Less estimated income	<u>25,785,652</u>	<u>(4,035,290)</u>	<u>21,750,362</u>
14 Total general fund	\$36,327,762	\$13,111,064	\$49,438,826
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

Sixty-eighth
Legislative Assembly

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	0	283,200
10	Shooting range repairs	<u>0</u>	<u>200,000</u>
11	Total all funds	\$7,310,000	\$4,422,200
12	Less estimated income	<u>7,310,000</u>	<u>1,589,616</u>
13	Total general fund	\$0	\$2,832,584

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

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

19 The estimated income line item in section 1 of this Act includes the sum of \$11,256,381, or so
20 much of the sum as may be necessary, from the state highway tax distribution fund which may
21 be transferred at the direction of the superintendent of the highway patrol for defraying the
22 expenses of the highway patrol during the biennium beginning July 1, 2023, and ending
23 June 30, 2025.

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

25 **TRANSACTION FUND.** The estimated income line item in section 1 of this Act includes
26 \$1,633,648 from the motor carrier electronic permit transaction fund for defraying various
27 expenses associated with the issuance of permits and other nonenforcement motor carrier and
28 administrative activities.

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

30 **DAKOTA HIGHWAY PATROLMEN'S RETIREMENT FUND.** The office of management and
31 budget shall transfer the sum of \$3,000,000 from the motor carrier electronic permit fund to the

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

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

- 7 1. The sum of \$3,000,000 of federal funds appropriated in section 6 of chapter 15 of the
8 2021 Session Laws for the law enforcement training academy project.
- 9 2. The sum of \$225,000 of federal funds appropriated in section 1 of chapter 39 of the
10 2021 Session Laws for the commercial vehicle information exchange window system.
- 11 3. The sum of \$2,612,000 of federal funds derived from the state fiscal recovery fund
12 appropriated in subsection 21 of section 1 of chapter 550 of the 2021 Special Session
13 Session Laws for purchasing radios compatible with the statewide interoperable radio
14 network.

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

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

25 **39-03-18.1. Highway patrol - Federal assets forfeiture fund - Continuing**
26 **appropriation.**

27 There is created in the state treasury the highway patrol federal assets forfeiture fund. The
28 fund consists of moneys received through federal asset forfeiture sharing programs. Funds
29 received through federal sharing programs may not be deposited in the same account as assets
30 forfeited pursuant to section 39-03-18. Up to three hundred thousand dollars is appropriated
31 from the fund on a continuing basis each biennium to the highway patrol. Funding may be used

1 only for eligible purchases identified by the federal department of justice and federal department
2 of treasury. The superintendent, with the concurrence of the director of the office of
3 management and budget, shall establish the necessary accounting procedures in accordance
4 with the federal asset sharing program for the use of the fund. All expenditures of moneys in the
5 fund must be approved by the superintendent.

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