

**Sixty-eighth Legislative Assembly of North Dakota  
In Regular Session Commencing Tuesday, January 3, 2023**

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 39-03-18.1 of the North Dakota Century Code, relating to a federal assets forfeiture fund; to provide an exemption; to provide a continuing appropriation; to provide a report; 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, 2023, and ending June 30, 2025, as follows:

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Highway patrol	\$62,113,414	\$9,075,774	\$71,189,188
Total all funds	\$62,113,414	\$9,075,774	\$71,189,188
Less estimated income	<u>25,785,652</u>	<u>(4,035,290)</u>	<u>21,750,362</u>
Total general fund	\$36,327,762	\$13,111,064	\$49,438,826
Full-time equivalent positions	193.00	12.00	205.00

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

items approved by the sixty-seventh legislative assembly for the 2021-23 biennium and the 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>
Commercial motor carrier system	\$275,000	\$150,000
Hard body armor	265,000	0
Body and in-car cameras	1,158,000	0
Training academy remodel	3,000,000	0
Law enforcement radios	2,612,000	0
New trooper startup costs	0	636,000
Inflationary increases	0	2,562,000
Narcotics tester	0	60,000
Unmanned aerial vehicle program	0	104,000
Motor carrier program	0	427,000
Technology enhancements	0	283,200
Shooting range repairs	<u>0</u>	<u>200,000</u>
Total all funds	\$7,310,000	\$4,422,200
Less estimated income	<u>7,310,000</u>	<u>1,589,616</u>
Total general fund	\$0	\$2,832,584

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

**SECTION 3. ESTIMATED INCOME - TRANSFER - HIGHWAY TAX DISTRIBUTION FUND.** The estimated income line item in section 1 of this Act includes the sum of \$11,256,381, 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 defraying the expenses of the highway patrol during the biennium beginning July 1, 2023, and ending June 30, 2025.

**SECTION 4. ESTIMATED INCOME - MOTOR CARRIER ELECTRONIC PERMIT TRANSACTION FUND.** The estimated income line item in section 1 of this Act includes \$1,633,648 from the motor carrier electronic permit transaction fund for defraying various expenses associated with the issuance of permits and other nonenforcement motor carrier and administrative activities.

**SECTION 5. TRANSFER - MOTOR CARRIER ELECTRONIC PERMIT FUND TO NORTH DAKOTA HIGHWAY PATROLMEN'S RETIREMENT FUND.** The office of management and budget shall transfer the sum of \$3,000,000 from the motor carrier electronic permit fund to the North Dakota highway patrolmen's retirement fund for the purpose of reducing the unfunded liability of the North Dakota highway patrolmen's retirement plan during the biennium beginning July 1, 2023, and ending June 30, 2025.

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

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

**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, 2023, and ending June 30, 2025. 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.** Section 39-03-18.1 of the North Dakota Century Code is created and enacted as follows:

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

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

**SECTION 9. DEFERRED MAINTENANCE - UNEXPENDED APPROPRIATIONS.** Pursuant to section 54-44.1-11, the highway patrol may submit a request to the chairmen of the appropriations committees of the senate and house of representatives of the legislative assembly and office of

management and budget to continue unexpended appropriation authority transferred to the agency for deferred maintenance under subsection 10 of section 1 of chapter 550 of the 2021 Special Session Laws.

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Speaker of the House

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President of the Senate

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Chief Clerk of the House

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Secretary of the Senate

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

House Vote:    Yeas 80            Nays 11            Absent 3

Senate Vote:    Yeas 47            Nays 0            Absent 0

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Chief Clerk of the House

Received by the Governor at \_\_\_\_\_ M. on \_\_\_\_\_, 2023.

Approved at \_\_\_\_\_ M. on \_\_\_\_\_, 2023.

\_\_\_\_\_  
Governor

Filed in this office this \_\_\_\_\_ day of \_\_\_\_\_, 2023,

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

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Secretary of State