



# House Bill 1011

North Dakota Highway Patrol  
Colonel Brandon Solberg  
March 8, 2023



NORTH  
**Dakota** | Highway Patrol  
Be Legendary.

# STATUTORY AUTHORITY NDCC CHAPTER 39-03

- Enforcement of laws pertaining to title 39 and title 24
- Traffic crash investigation – approximately 80% of serious crashes
- To enforce chapter motor carrier rules adopted under NDCC 39-21
- To provide security and protection for the governor, the governor's immediate family, and others next in order of succession
- To provide security and protection for both houses of the legislative session while in session and the ND Supreme Court
- To exercise general police powers over any law when committed in our presence or when requested by another law enforcement agency

# CORE FUNCTION

## Proactive law enforcement services

- Proactive versus reactive

## Meet current and future law enforcement demands

- Traffic safety to public safety

## Ensure the safety of citizens and visitors

- North Dakota can become the safest state in the nation

### N.D. STATE HIGHWAY PATROL VITAL FACTOR IN REDUCING ANNUAL SACRIFICE OF HUMAN LIVES

Continuous Presence of Uniformed and Motorized Traffic Officers On Public Streets and Highways Serves to Remind Drivers That Laws of This State Cannot Be Disregarded



Hope Pioneer – June 16, 1938



# HIGHWAY PATROL MISSION

## **Mission**

To make a difference every day by providing high quality law enforcement services to keep North Dakota safe and secure

## **Vision**

Public safety through quality service

## **We Serve**

All North Dakota citizens

All motorists traveling through ND

# AGENCY OVERVIEW

- **Two major components**
  - Field operations
  - Administration
- **193 authorized employees**
  - 159 sworn
  - 34 civilian
- **Motor vehicle permit office**
- **Law Enforcement Training Academy (LETA)**



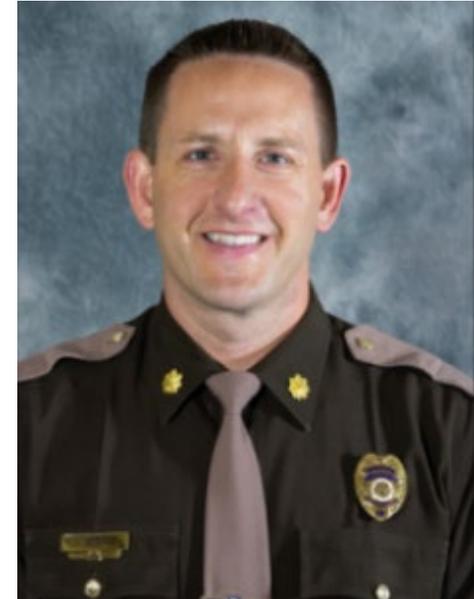
# AGENCY ADMINISTRATION



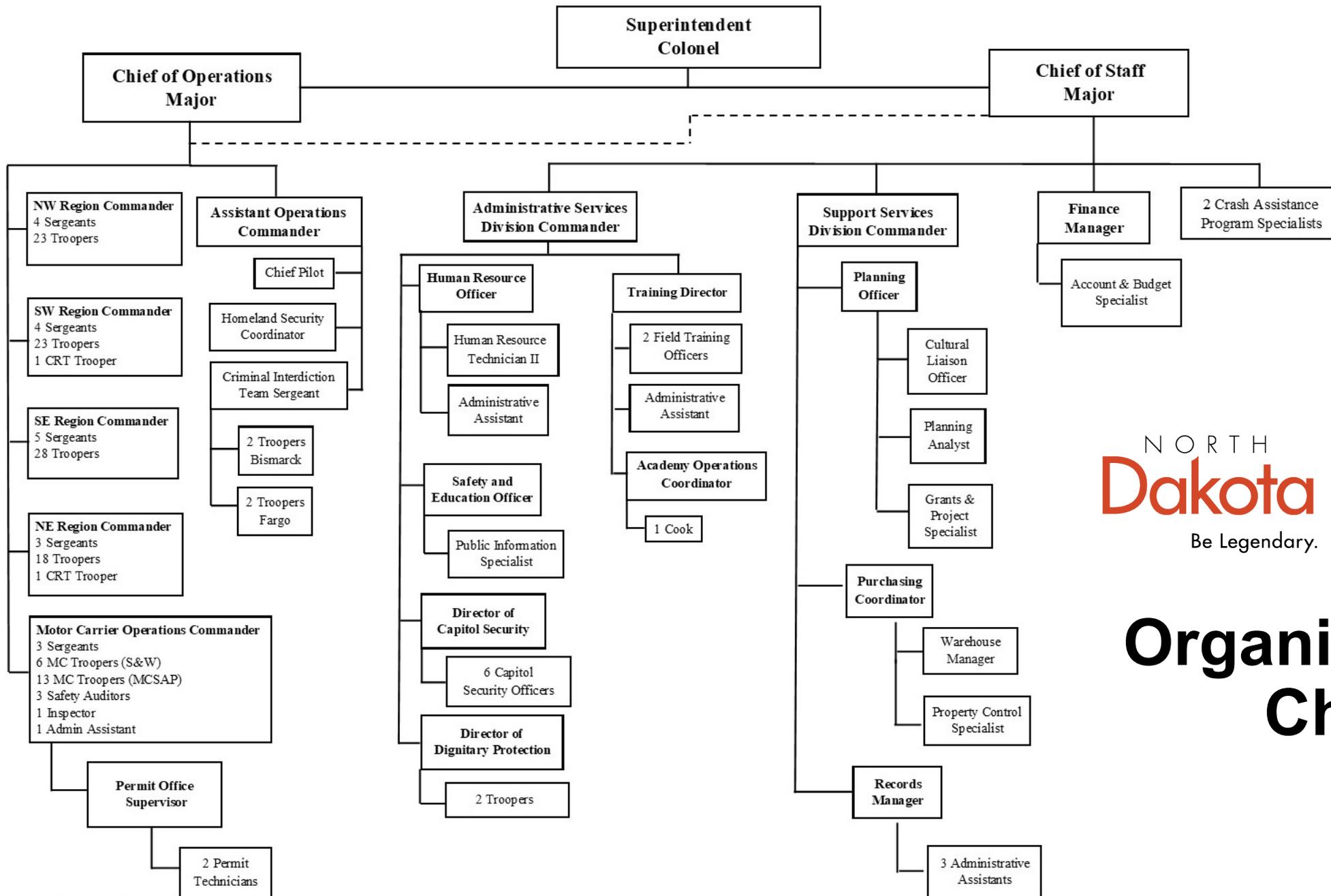
**Colonel Brandon Solberg**  
**Superintendent**



**Major Aaron Hummel**  
**Chief of Staff**

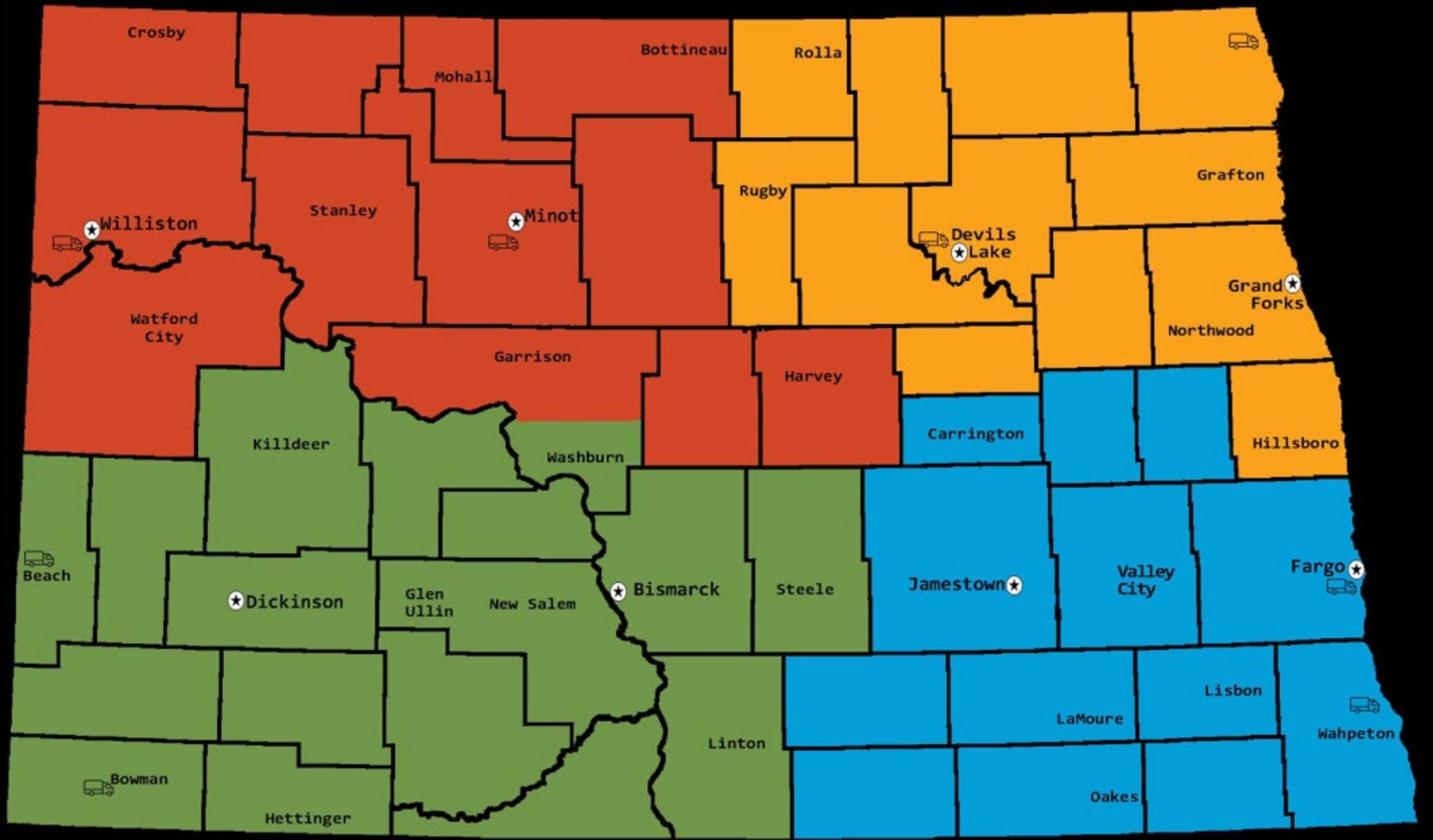


**Major Tom Iverson**  
**Chief of Operations**



NORTH  
**Dakota** | Highway Patrol  
 Be Legendary.

# Organizational Chart



# HIGHWAY PATROL VALUES



- **Professionalism**
- **Integrity**
- **Loyalty**
- **Accountability**
- **Respect**
- **Commitment**

# AGENCY OVERVIEW

- **Accomplishments**
- **Challenges**
- **Opportunities**



# AGENCY ACCOMPLISHMENTS



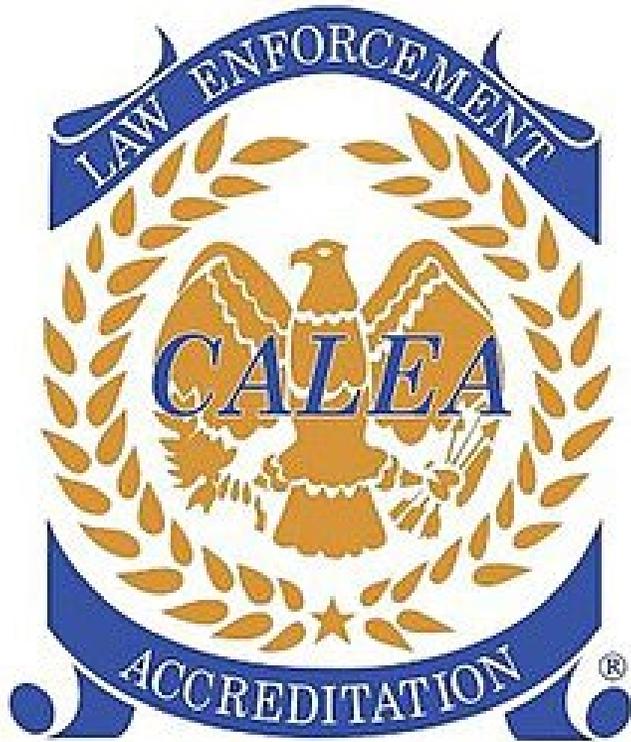
- Signed law enforcement mutual aid agreements with MHA and Spirit Lake Nations to clear up jurisdictional complexities
- Implemented an unmanned aerial vehicle program with UAVs available statewide for crash investigation and search & rescue operations

# AGENCY ACCOMPLISHMENTS



- The NDHP, DOT, DES, and Parks & Rec received the Roaming Bison Award for a combined response to the historic spring storm in April of 2022

# AGENCY ACCOMPLISHMENTS



- Received 11<sup>th</sup> accreditation award from the Commission on Accreditation for Law Enforcement Agencies – accredited since 1989
- Started a two-member crash assistance program with team members stationed in Fargo and Bismarck
- Hosted four opioid roundtables in Bismarck, Minot, Grand Forks and Fargo with 94 public and private partners in attendance

# AGENCY ACCOMPLISHMENTS

The NDHP responded to 1,112 calls for service and investigated 343 crashes during three different inclement weather events in November and December of 2022. These long-duration winter storms resulted in several road closures across the state.



# AGENCY ACCOMPLISHMENTS



*10 lbs. of meth  
destined for Fargo.*

- Started a five-member criminal interdiction team with troopers stationed in Fargo and Bismarck
- Conducted the first American Governors' Border Strike Force detail in partnership with the State & Local Intelligence Center and the Bureau of Criminal Investigation which resulted in the seizure of 51.6 pounds of illicit drugs in a short one-week period

# AGENCY ACCOMPLISHMENTS

- Actively working toward a more inclusive and diverse workforce and culture
  - Signed 30x30 initiative
  - Hosted first Midwest Women in Law Enforcement conference
  - Submitted SB 2054 to update the term “patrolman” to “trooper”



# CRITICAL ISSUES



- Keeping North Dakota safe and secure
  - Criminal interdiction efforts
- Work toward zero deaths on the state's highways
  - Enforcement and education
- Becoming/remaining an employer of choice
  - Attract and retain a professional, motivated, and diverse workforce
- Provide high quality law enforcement training
  - Relevant and timely
- Technology advances
  - Strong backbone to constantly changing environment

# CRIMINAL INTERDICTION EFFORTS

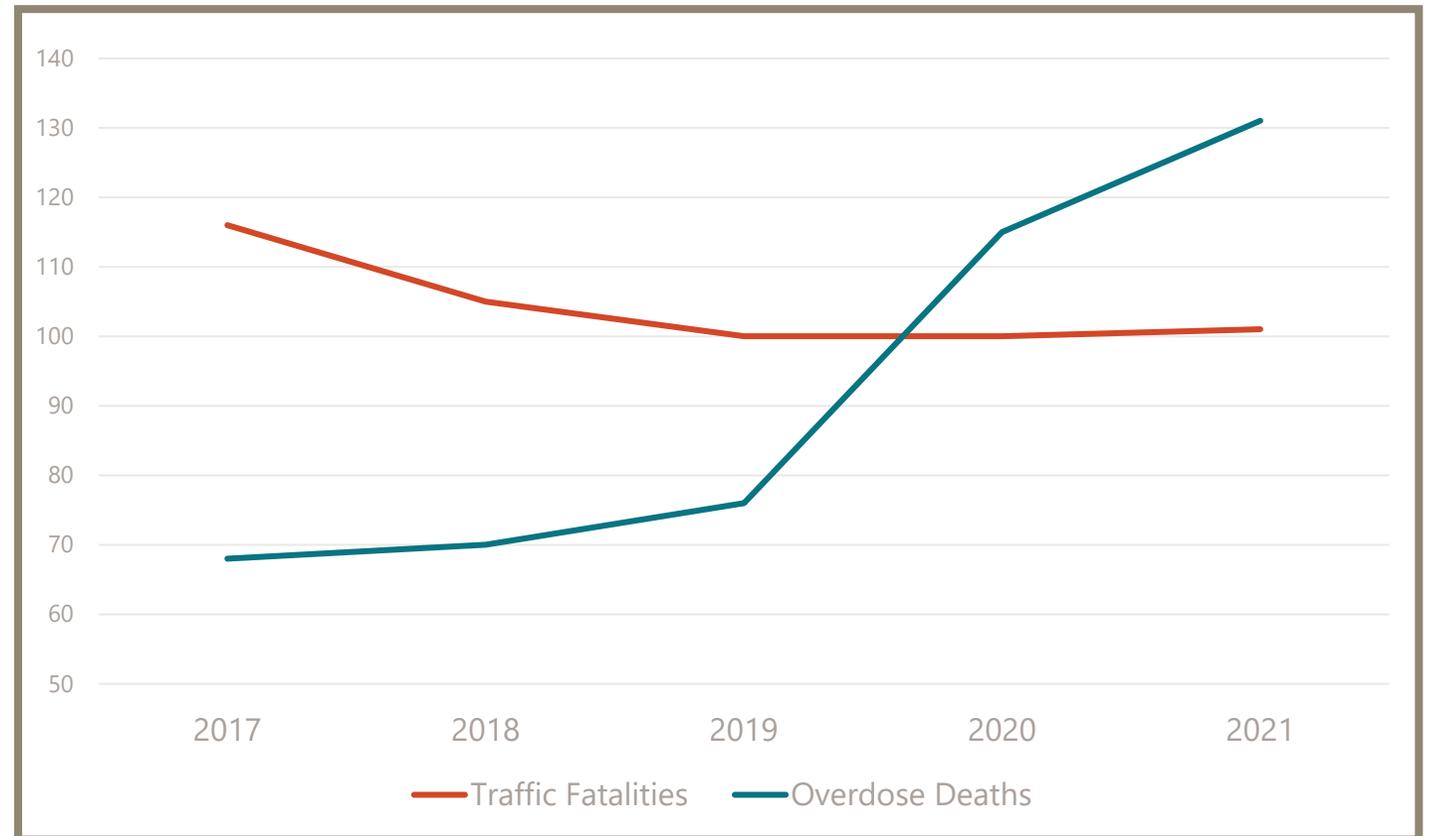
- In 2021, troopers seized a total of 96 grams or 48,000 potentially lethal doses of fentanyl from our roadways
- In 2022, that number increased tenfold to 1,021 grams or 510,500 potentially lethal doses of fentanyl
- 365 canine deployments and 3,458 drug charges in the past two years



*Two pistols, \$20,000, six lbs. of meth and 9,000 fentanyl pills destined for Fargo.*

# OVERDOSE DEATHS

- Overdose deaths are exceeding traffic fatalities nationwide
- North Dakota stats:
  - 2019: 76 (vs 100)
  - 2020: 115 (vs 100)
  - 2021: 131 (vs 101)
- Supply and demand
- TCOs, cartels, gangs
- Whole community
- All citizens



# AGENCY WORKLOAD

- 39 supervisors
- 29 specialized troopers
  - Chief Pilot (1)
  - Criminal Interdiction Team (4)
  - Cultural Liaison Officer (1)
  - Crash Reconstructionist (2)
  - Protective Services (2)
  - MCSAP (13)
  - Size & Weight (6)
- 91 traffic enforcement troopers



## Area of Responsibility

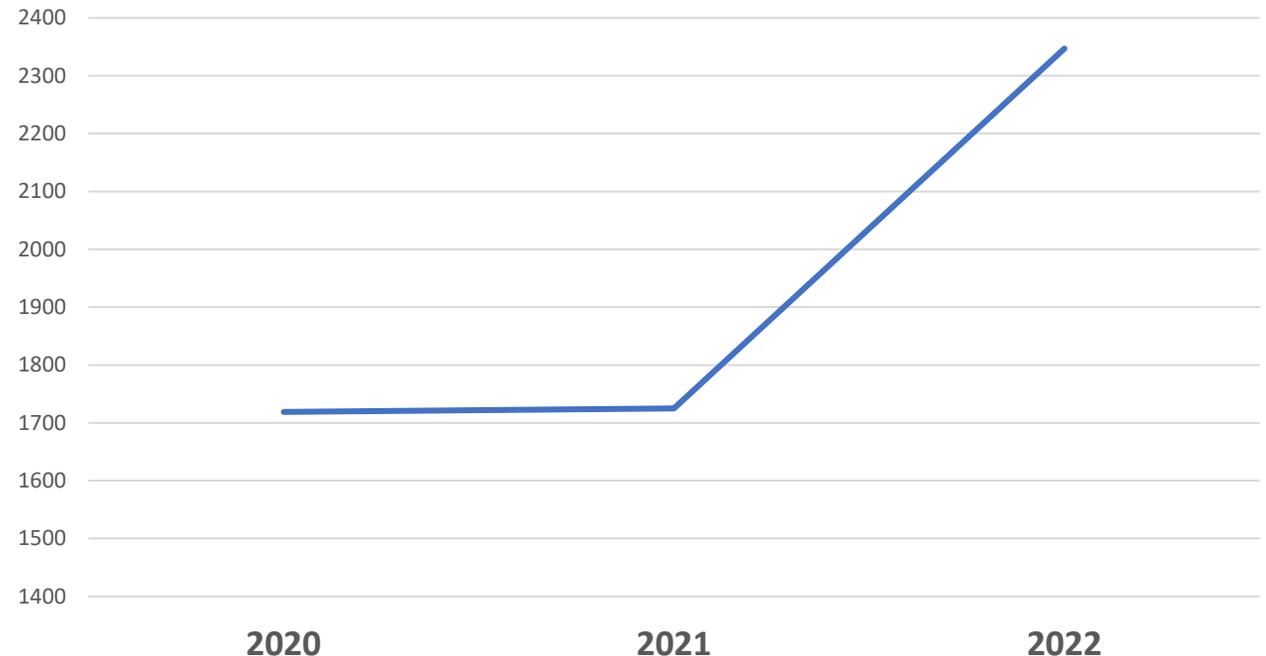
- 70,762 square miles
- 106,103 miles of roadways
- 7,415 miles of state/federal highways
- 571 miles of interstate
  - 35% of annual vehicle miles traveled

*Source: ND Transportation Handbook 2021*

# AGENCY WORKLOAD

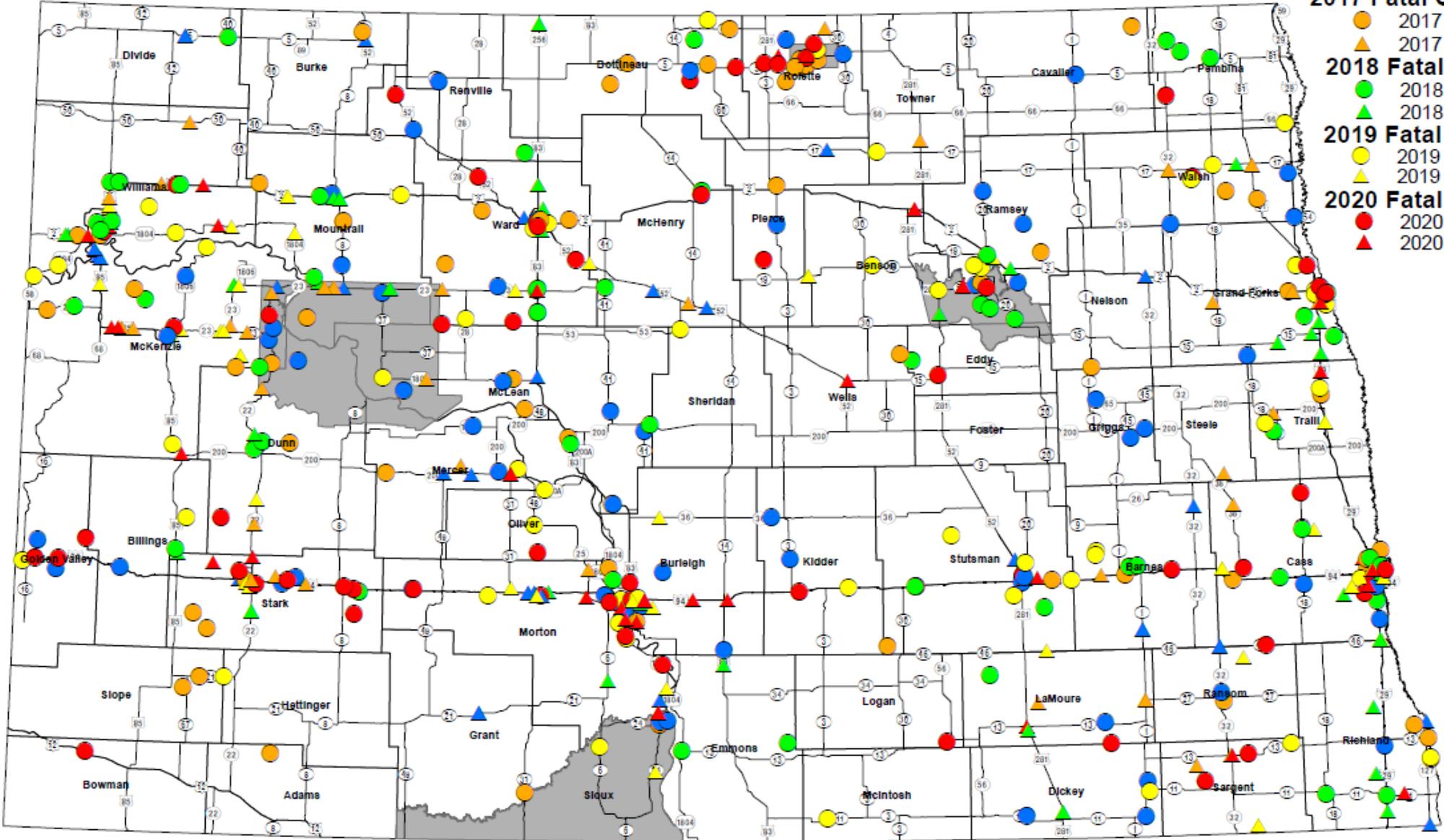
The NDHP covers approximately 80% of all serious injury and fatality crashes and approximately 20% of all other crashes.

NDHP-Investigated	2020	2021	2022
Fatal	77	77	89
Injury	458	463	521
Property Damage	951	964	1407
Other/Nonreportable	233	221	330
<b>Total</b>	<b>1719</b>	<b>1725</b>	<b>2347</b>



# Fatal Crashes 2016-2020

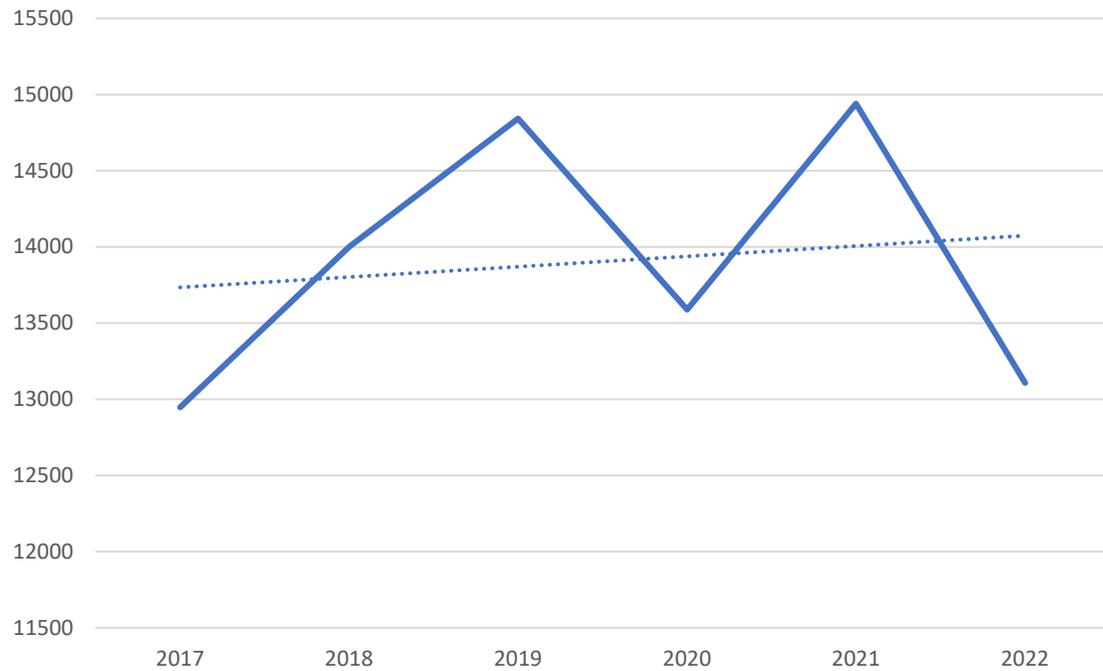
- 2016 Fatal Crashes (102)**
  - 2016 Single Vehicle
  - ▲ 2016 Multiple Vehicles
- 2017 Fatal Crashes (106)**
  - 2017 Single Vehicle
  - ▲ 2017 Multiple Vehicles
- 2018 Fatal Crashes (95)**
  - 2018 Single Vehicle
  - ▲ 2018 Multiple Vehicles
- 2019 Fatal Crashes (91)**
  - 2019 Single Vehicle
  - ▲ 2019 Multiple Vehicles
- 2020 Fatal Crashes (96)**
  - 2020 Single Vehicle
  - ▲ 2020 Multiple Vehicles



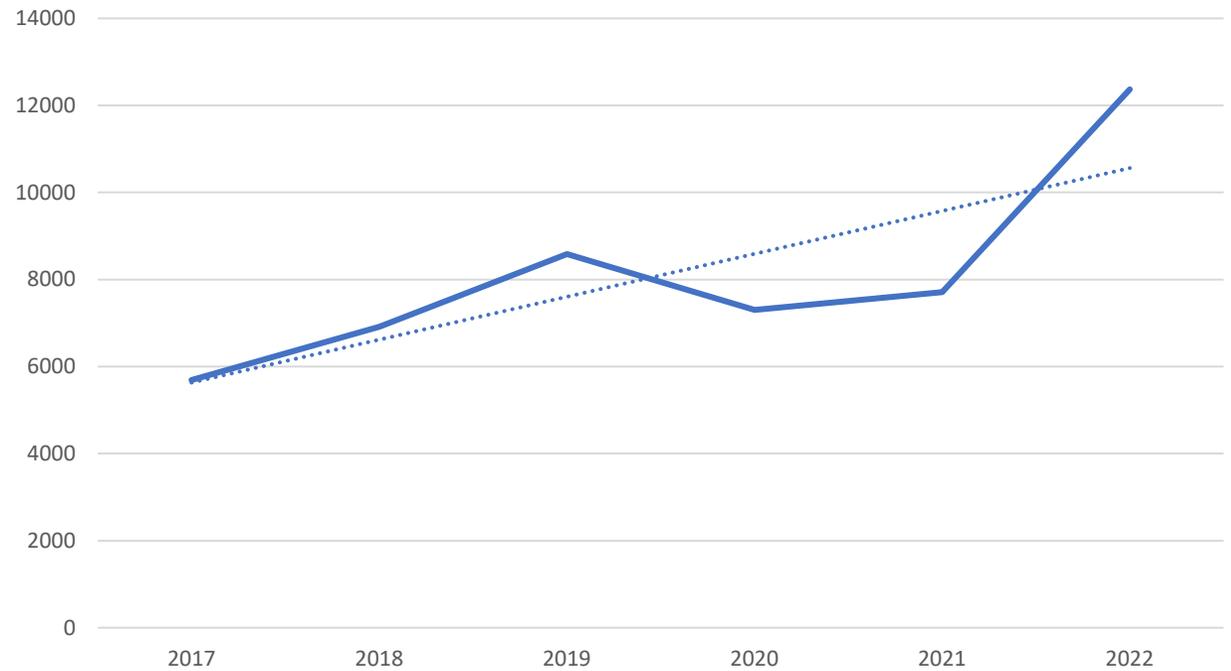
<b>Agency Workload</b>	<b>2021</b>	<b>2022</b>	
Road Patrol Hours	116,294	96,505	
Traffic Stops	71,575	63,133	
Traffic Citations	67,663	56,286	
Warnings	42,215	43,027	
Crashes Investigated	1,725	2,347	36% increase
Criminal Arrests	5,929	5,512	
Safety Talks	295	361	22% increase
Motor Carrier Permits Issued	149,009	148,194	
Assist Other Government Agency	3,149	3,161	
Calls for Service	14,941	13,108	
Total CAD Incidents	98,075	95,979	
DUI Arrests	1,062	1,016	
Drug-Related Arrests	1,758	1,700	
Weapon Offenses	64	66	34.5% increase since 2020
Motorist Assists/Abandoned Vehicles	7,714	12,367	60% increase
Crash Investigation On-Scene Hours	3,763	4,309	14.5% increase
Crash Investigation Follow-up Hours	2,386	2,862	20% increase
Crash Reconstruction Hours	2,502	3,000	20% increase
Overloads	1,080	942	

# AGENCY WORKLOAD

## Calls for Service

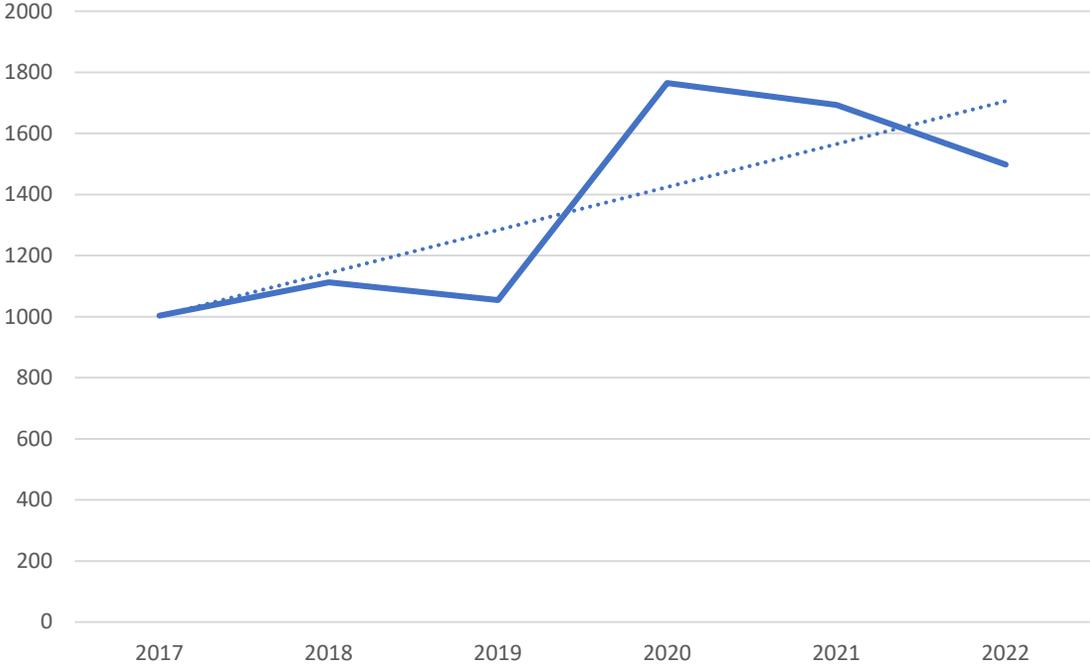


## Highway Assists

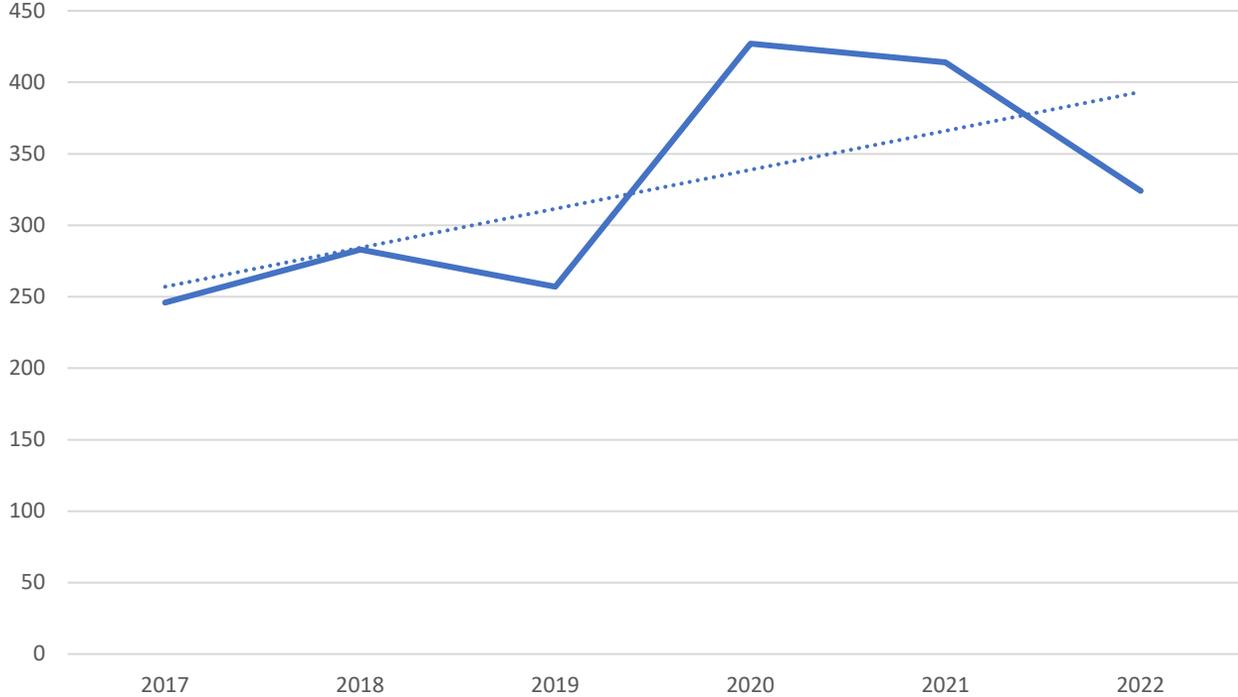


# AGENCY WORKLOAD

## Speeds 25+ Over

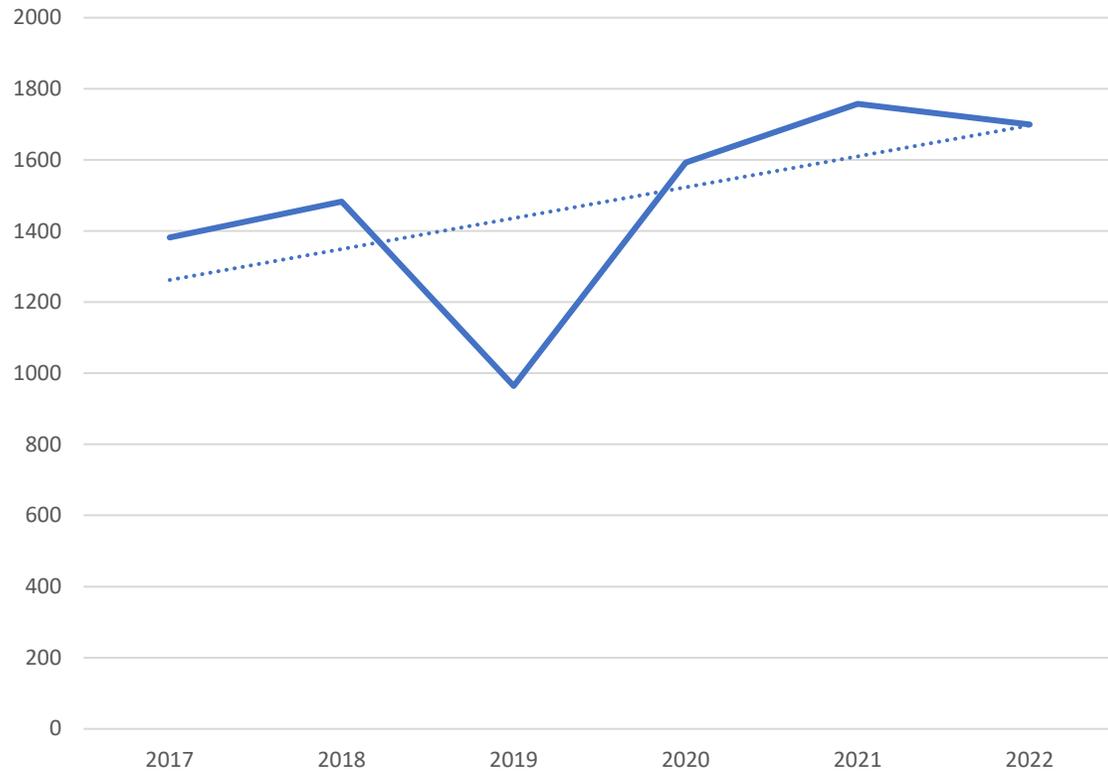


## Speeds 100+ MPH

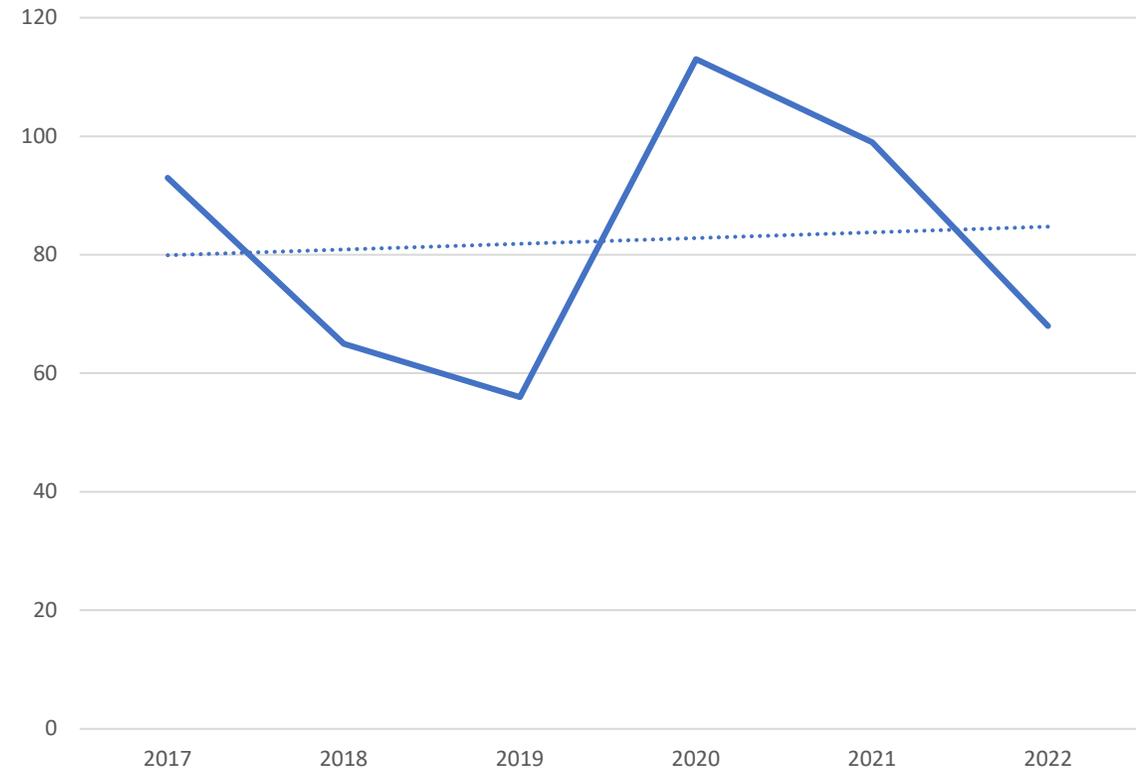


# AGENCY WORKLOAD

## Drug Offenses



## Pursuits



# AUDIT FINDINGS - TWO-YEAR PERIOD ENDING JUNE 30, 2020

## **Finding 2020-01: Terminated Employees Could Bypass Capitol Security**

*Terminated Employee = employee who ended employment for any reason to include voluntary resignation, retirement, involuntary termination, or for employment in another state agency.*

### ***Recommendation***

- Perform monitoring procedures by routinely reconciling terminated employees to access within systems that control building security and disable access for terminated employees; or,
- Coordinate with human resource agencies to automate, if possible, building access for employees according to employment status.

### ***Corrective Action***

- Update the human resource process and communicate to agencies that use key access on the capitol complex. ServiceNow is the required method for agencies to notify the NDHP within 10 days (or sooner) of termination of employment.
- The NDHP will utilize OMB employment status records to reconcile requests as a failsafe measure.
- NDIT has a request for Security Expert software in their budget to enhance the current software package used for the electronic card access system.

# AUDIT FINDINGS

## **Finding 2020-02: Contractors Could Bypass Capitol Security**

### ***Recommendation***

- Consistently limit or automate expiration of building access for one year or less for non-employees and require agencies to renew access requests annually.
- Provide guidance to agencies to limit contractor access to contract needs for routine access with a maximum of the contracted period of services.
- Implement a required field on the Access Card Authorization Request form to be used to identify when contractor access is to be revoked.

### ***Corrective Action***

- Requests for contractor access through ServiceNow require an expiration date and state contract number to be added when requesting key access. Agencies are required to collect the card at the expiration date or end of the contract work period and notify the highway patrol to deactivate access.
- Contractor cards expire after one year unless the contract period is shorter in duration.
- NDIT has a request for Security Expert software in their budget to enhance the current software package used for the electronic card access system.

# 2021-23 HARD BODY ARMOR PROJECT

- \$265,000 – Motor Carrier Electronic Permit Transaction Fund
- This project is 100% complete
- Replaced expired hard body armor



# 2021-23 IN-CAR/BODY CAMERA PROJECT



Photo courtesy Axon.com

- Total project cost - \$1,458,000
- \$1,158,000 – Motor Carrier Electronic Permit Transaction Fund
- NHTSA grant funds - \$300,000
- Project is 95% complete
  - Installs 100% complete
  - Additional download needs in rural areas
  - Minor equipment adjustments

# 2021-23 CVIEW PROJECT STATUS

- Commercial Vehicle Information Exchange Window
- \$275,000 Federal and Permit Funding
  - Top level design document complete (Phase 1)
  - Currently in procurement process to select the CVIEW software package
  - Becoming CVIEW compliant will bring FMCSA technology grant opportunities to North Dakota
  - Request for carry-over and additional federal authority

# COMMERCIAL VEHICLE EXCHANGE WINDOW (CVIEW)

## 67<sup>th</sup> Legislative Assembly

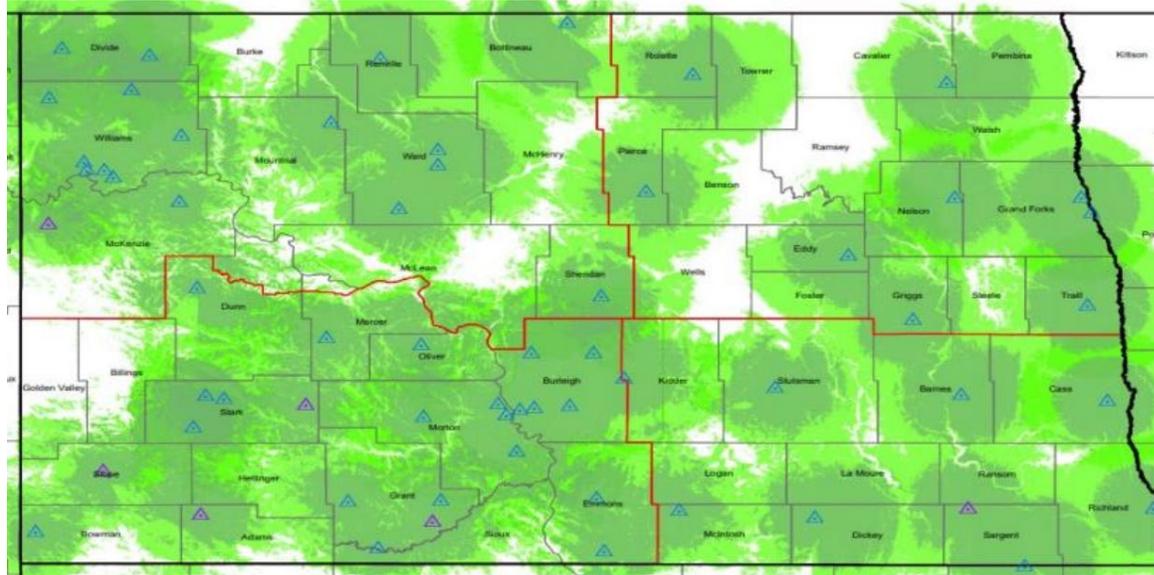
- Approved \$50,000 for top level design document – Phase 1 (Completed)
- \$225,000 for purchase of CVIEW – Phase 2
  - Won't be completed by June 30<sup>th</sup>, 2023
- **Request carryover of \$225,000 (federal spending authority)**
- **Additional request of \$150,000 (federal spending authority) for the associated NDIT large project management, network, and security related costs.**
- Funding comes from MCSAP (federal) high priority technology grants

# LAW ENFORCEMENT TRAINING ACADEMY MODERNIZATION PROJECT

- \$3,000,000 – Federal Funds - State Fiscal Recovery Fund
- Design work has been completed
- Project has been bid
- Contractor has been selected
- Remodel work has begun, expected completion in the fall of 2023



# STATEWIDE INTEROPERABLE RADIO NETWORK



- \$2,612,000 – Federal Funds – State Fiscal Recovery Fund
- Mobile and portable radios have been purchased
- Initial test installs to begin in early adopter areas of Bismarck, Grand Forks and Williston early in 2023

# BUDGET OVERVIEW

## 2021-23 Budget Appropriation

- General Funds: \$36,327,762
- Special Funds: \$12,494,025
- Federal Funds: \$17,989,627
- Total Budget: \$66,811,414
- Legislative Base (less one-time): \$62,113,411

## 2023-25 Executive Budget Limit

- Added NDIT increases
- Added cost to continue salaries
- Added unfunded NDPERS contribution for 2023-25 increases
- Transferred \$8.1M in CRF funding back to general/special funds



# BUDGET OVERVIEW

<b>Funding Source</b>	<b>2021-23 Appropriation</b>	<b>2023-25 Budget Request</b>	<b>2023-25 Executive Budget</b>
General Funds	\$36,327,762	\$53,924,128	\$54,191,734
Special Funds	\$12,494,025	12,687,538	13,438,559
Federal Funds	\$17,989,627	9,210,092	9,270,174
<b>Total</b>	<b>\$66,811,414</b>	<b>\$75,821,758</b>	<b>\$76,900,467</b>

# AGENCY COLLECTIONS

Fund	2021-23 Collections (Est.)*	2023-25 Collections (Est.)*
Permit Fund (276)	\$2,544,000	\$2,544,000
Highway Fund (200)	\$22,588,000	\$22,588,000
ID Card Fund (141)	\$2,000	\$2,000
HTDF Fuel Tax (400)	\$155,000	\$155,000
Misc. Gen Rev. (001)	\$30,000	\$30,000
<b>Total</b>	<b>\$25,319,000</b>	<b>\$25,319,000</b>

*\*Estimates based on biennium to date collections as of November 30, 2022:*

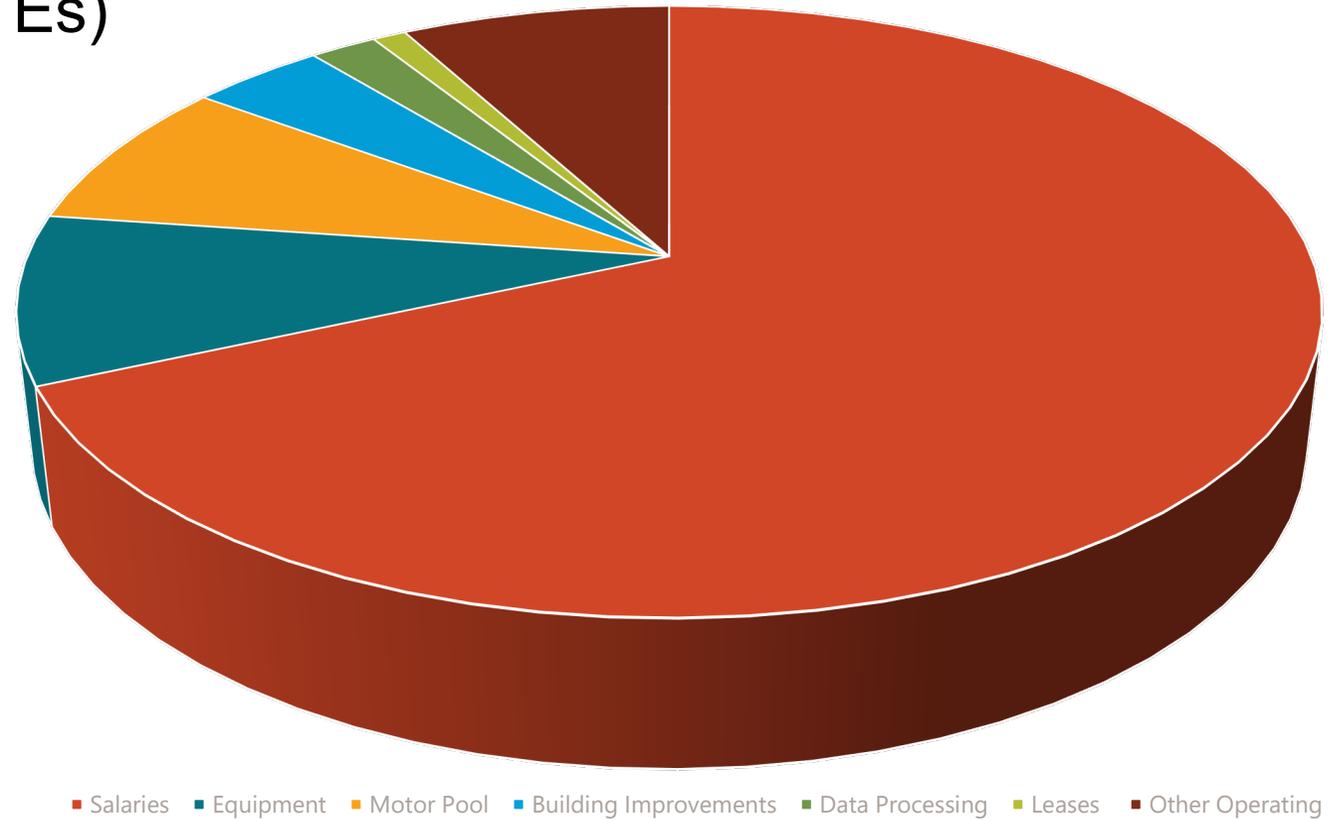
- Collections from fund 276 e-permit fees - \$1,802,326 and Hwy Fund 200 overload fees - \$15,999,653
- ID card processing fund 471 fees - \$1,510

ND Constitution – Article IX, Section 2: Fines for traffic violations are collected by the courts and used “for the benefit of the common schools of the state.”

# 2021-23 BUDGET BREAKDOWN

- 69% salaries and benefits (FTEs)
- 9% equipment
- 8% motor pool
- 4% building improvements
- 2% data processing
- 1% leases
- 8% other operating

***Over ¾ is personnel and vehicle costs.***



# OPTIONAL REQUESTS – STATE FUNDS

1. 2021-23 PERS employer contribution increases - \$129,622
  - Two unfunded 0.5% increases on January 1 of 2022 and 2023
2. State fleet mileage increases - \$2,042,000
3. Lease rate increases - \$123,000
4. UAV expansion - \$105,000
5. Narcotic handheld tester - \$60,000
6. Additional warehouse space - \$123,000
7. Fargo office garage addition - \$722,000



# OPTIONAL REQUESTS - STATE FUNDS



## Inflationary Increases

- Uniforms - \$58,000
- Ammunition - \$46,000
- Equipment - \$370,000
- Travel - \$46,000
- Recruitment - \$50,000

# OPTIONAL REQUESTS - STATE FUNDS

## **Sworn Officers Included in Executive Recommendation**

- Backfill five criminal interdiction team members - \$1,685,416
- Add five criminal interdiction team members for the NW/NE - \$1,420,420
- Add two officers to enhance security and protection duties - \$568,170

## **Not Included**

- Two training officers
- One state property criminal investigator
- Two size and weight enforcement officers
- One strategic planning officer
- One recruiter
- Two safety and education officers
- One crash reconstructionist

# OPTIONAL REQUESTS - STATE FUNDS

## Information Technology Projects

- Learning management software - \$105,000
- Academy management software - \$122,000
- Field training officer software - \$15,200
- Video/digital photo storage - \$118,000
- RMS/daily activity maintenance - \$25,000
- RMS program updates - \$80,000
- Daily activity software - \$10,000
- States attorney portal interface - \$55,000
- Dashboard research/analytics - \$15,000



# OPTIONAL REQUESTS - FEDERAL FUNDS

## Included in Executive Recommendation

- Statewide DRE coordinator (100% NHTSA) - \$284,082
- MCSAP troopers, 2 of 4 approved - \$674,358
- Crash reconstruction equipment - \$35,000
- UAVs for CMV inspections - \$100,000
- Scale signage and lighting - \$150,000
- UGPTI CMV crash analysis - \$92,000
- Aries and Aspen bridge - \$50,000

**MCSAP Funded**  
95% Federal  
5% State

## Not Included

- CMV Automated License Plate Readers - \$160,000



# FEDERAL FUNDING SOURCES

## Motor Carrier Safety Assistance Program (MCSAP) Funding

- The Bipartisan Infrastructure Law (BIL), signed into law on November 15, 2021, brought significant Federal Motor Carrier Association (FMCSA) funding to the states.

<b>North Dakota</b>	<b>Original FFY 2022 Funding @ 85/15% Match</b>	<b>New/Revised FFY 2022 Funding @ 95/5% Match</b>	<b>Difference</b>
<b>Federal Share</b>	\$2,609,479	\$3,857,878	\$1,248,399
<b>State Share</b>	\$460,135	\$203,046	(\$257,089)
<b>Annual (FFY)</b>	\$3,069,614	\$4,060,924	\$991,310
<b>Two-Year Total</b>	<b>\$6,139,228</b>	<b>\$8,121,848</b>	<b>\$1,982,620</b>

# FEDERAL FUNDING SOURCES

## ND Department of Transportation/ National Highway Traffic Safety Administration (NHTSA) Funding

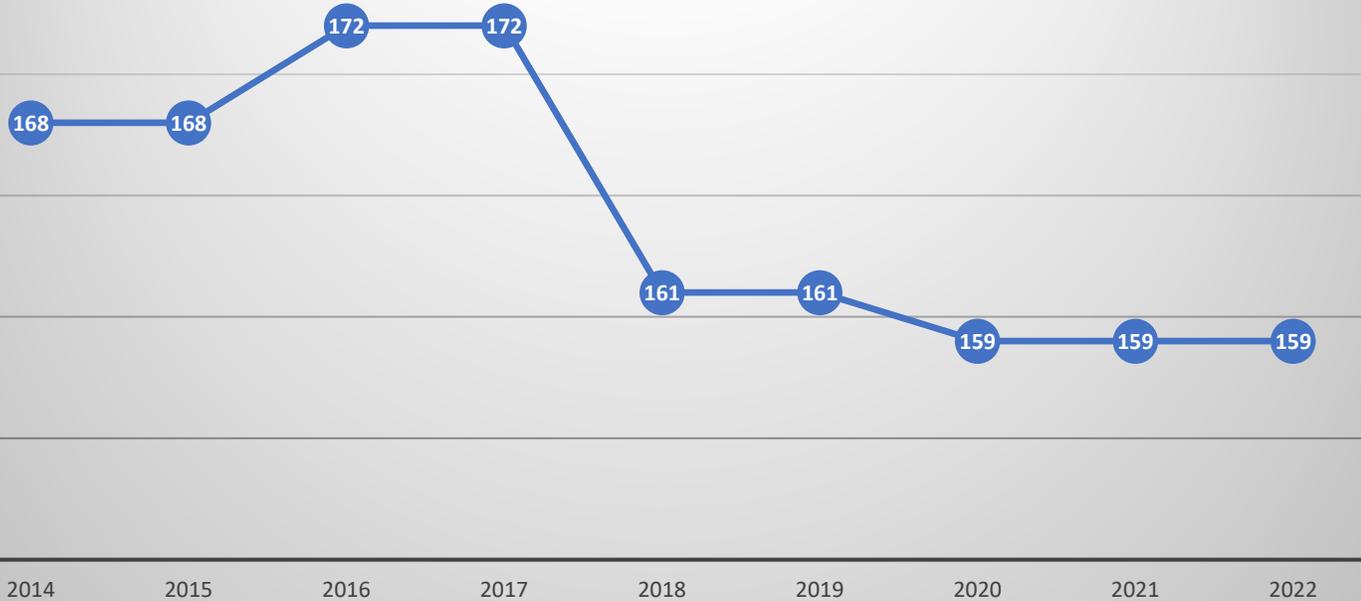
- Impaired driving, distracted driving, and occupant protection overtime programs
- Radar and in-car camera funding
- Potential for regular salary funding for impaired driving – funding for troopers dedicated to impaired driving enforcement

## North Dakota Department of Corrections / Victims of Crimes Act (VOCA) Funding

- Partial funding for Crash Assistance Program Specialists - \$97,201 for FFY 2023

# AUTHORIZED SWORN OFFICERS

NDHP Authorized FTE's (Sworn)



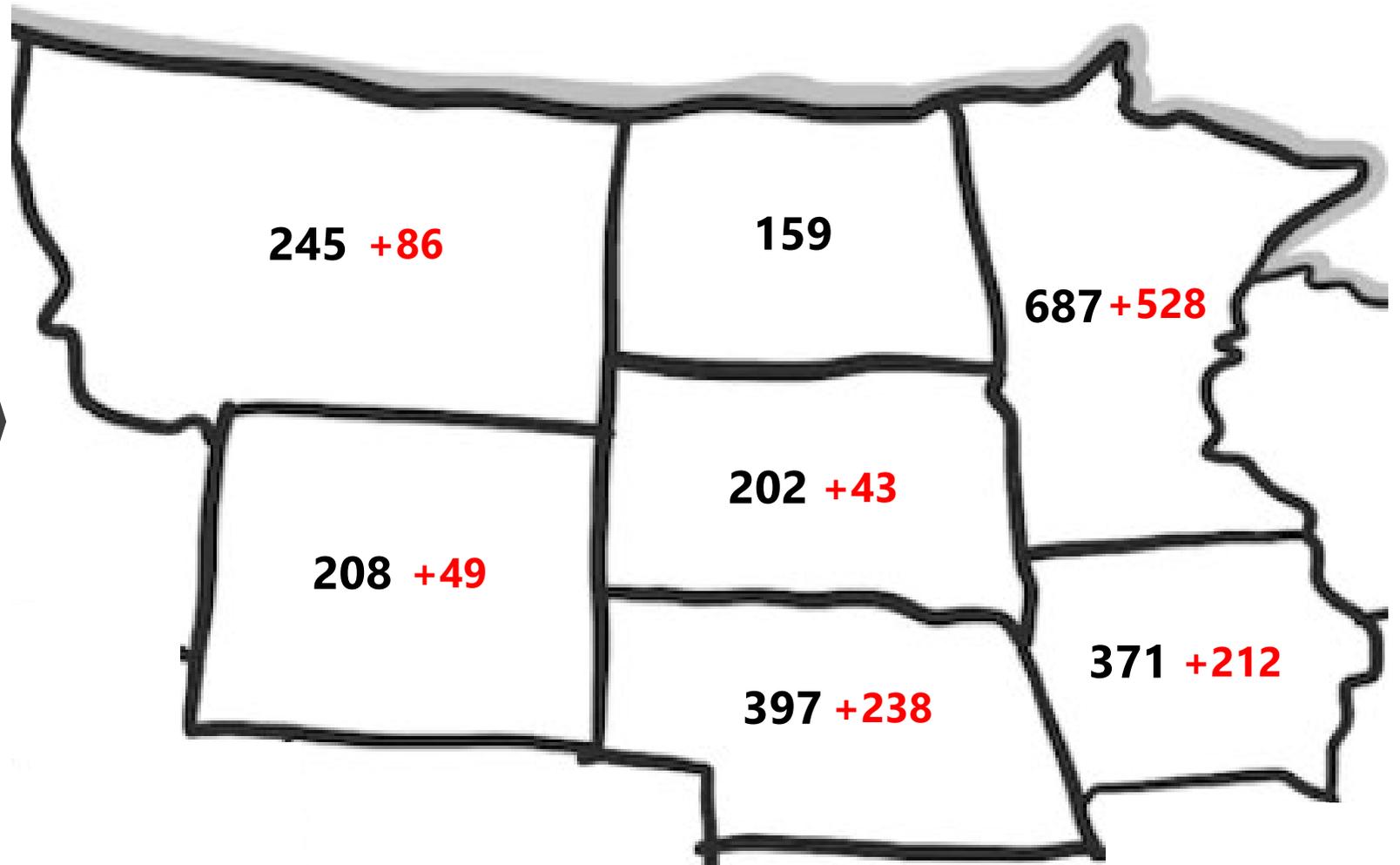
- 2017 – 11 officers **removed**
- 2019 – 2 officers **removed**
- 2022 – 159 authorized

Sworn officers decreased from 172 in 2017 to 159 in 2022 (**7.6% decrease**).  
Population grew from 754,942 in 2017 to 779,261 in 2022 (**3.2% increase**).

# RESOURCE ANALYSIS & DEPLOYMENT STUDY

- Resource analysis & deployment study completed December 2022
- Analyzed data from July 1, 2020, through June 30, 2022
- Results indicated a need for 14 additional sworn officers to cover all obligated time (the existing workload) and unobligated time
  - Desired unobligated time: 30 minutes of every hour
  - Recommended sworn officers: 173 (+14) **Specialized vs. Enforcement**
- Using data such as vehicle miles traveled in comparison to other states in our region, the results indicate a need for 28 additional sworn officers
  - States included: South Dakota, Montana, Wyoming
  - Recommended sworn officers: 187 (+28) **Executive Budget Sworn Officer Size: 174 (+15)**

# Trooper Comparison



**The Fargo Police Department's sworn strength is 188 (+29).**

# APPROPRIATION CONSIDERATIONS

- **Highway Tax Distribution Fund Transfer**
  - \$11,989,604 (approximately 14% of appropriation)
- **Motor Carrier Electronic Permit Fund Transfer**
  - \$1,448,995 (staffing separate from software maintenance)
  - Estimated ending balance on June 30, 2023: \$7.6 million
  - 148,649 permits in 2019; 149,009 in 2020; 148,194 in 2021
- **Monthly Unvouchered Expense**
  - \$200/month/officer (same level since 2009 legislative session)

# APPROPRIATION CONSIDERATIONS

## **Executive Base Budget Limit Adjustments**

- NDIT rate increases - \$173,840
- Cost to continue salaries - \$358,926
- 2023-25 PERS employer contributions - \$260,520
  - Two 0.5% employer increases on January 1 of 2024 and 2025
- \$8,100,000 to replace coronavirus relief funding during the 2021-23 biennium for sworn officer salaries
  - \$6,966,000 in general funds
  - \$1,134,000 in special funds

# APPROPRIATION CONSIDERATIONS

## Requested Budget Submission Corrections

- One-time equipment costs for 10 of the sworn officer positions included in the executive budget were inadvertently omitted
  - \$53,000/officer = **\$530,000 total** (\$369,198 general; \$100,700 federal; \$60,102 special funds)
- Two of the criminal interdiction team members are supervisors
  - Inadvertently entered at trooper salary level
  - Additional biennial sergeant salary = \$58,915 each or **\$117,830 total** (\$101,334 general; \$16,496 special funds)
- Unvouchered expenses were inadvertently left out
  - \$200/month/officer is the current rate
  - 13 new non-supervisory positions = **\$62,400 total** (\$53,412 general; \$8,988 special funds)

***Total Requested Correction***  
***\$710,230***

# BILLS IMPACTING AGENCY

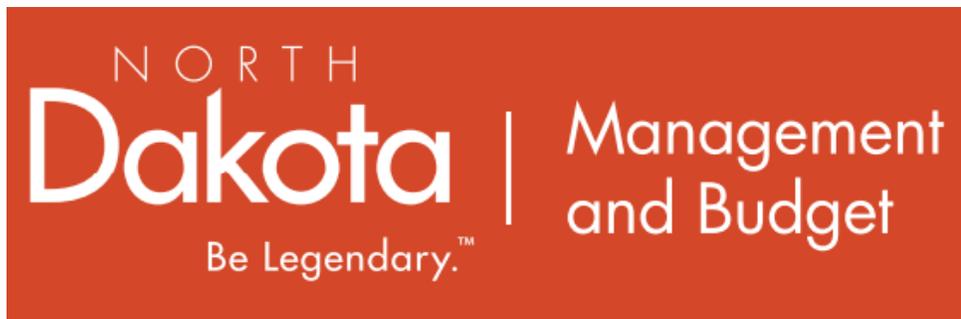
- HB 1060\* – Permit Purchasing Options
- HB 1061 – Stop Sign Right-of-Way, Obstructed Windshield
- SB 2053 – Patrolman to Trooper, Accident to Crash
- SB 2054\* – Dignitary Protection and Door Access Responsibilities
- SB 2120\* – Non-Interstate Overweight Vehicle Fees
- HB 1040/ SB 2239 – PERS Main Plan Adjustments
- SB 2362 – Primary Seatbelt

*\*Passed the House & Senate*



# BILLS IMPACTING AGENCY

## SB 2015



- **Equity Adjustment**
  - \$90 million
  - Emergency clause
- **Annual Performance Increases**
  - 6% year one
  - 4% year two
- **Fully Funded Health Insurance**

# HOUSE ONGOING FUNDING CHANGES

## ■ Salary Increases

- Decrease from executive recommendation to the house version of (\$830,972) is the difference between the Governor's 6/4% proposal compared to the House 4/4% proposal.
- **Request to maintain the 6/4% as provided in the executive budget**

## ■ Health Insurance

- House version contained \$22,441 increase in health coverage

# HOUSE ONGOING FUNDING CHANGES

## ■ Backfill of Criminal Interdiction Troopers

- House version retained the 5 FTE, but revised the total salary by adding an additional \$58,519
- This was a request to during house testimony to account for one of the positions being a sergeant at a higher pay rate.

## ■ Additional Criminal Interdiction Troopers

- House version removed (3) of the (5) requested FTE's, which resulted in a decrease of (\$852,252)

# HOUSE ONGOING FUNDING CHANGES

- **Additional Capitol Security Troopers**
  - House version removed both of the (2) requested FTE's and the associated funding (\$568,170)
- **Motor Carrier (MCSAP Program) Troopers**
  - House version removed (1) of the (2) requested FTE's and the associated federal appropriation/funding (\$337,179)
- **Technology Enhancements**
  - House version removed (\$129,000) of the \$262,000 requested, \$133,000 remains
- **Recruitment and Advertising**
  - House version removed (\$12,500) of the \$50,000 requested, \$37,500 remains

# HOUSE ONE-TIME FUNDING CHANGES

## ■ New Trooper Costs

- One time equipment funds added for (4) additional FTE's
- There was an omission in the original executive recommendation of one-time equipment costs of 53,000/additional FTE.
- Current house version has correct amount for the (9) FTE's approved in the house version.

# HOUSE ONE-TIME FUNDING CHANGES

- **Technology Enhancements**

- Removal of Academy On-Line Learning and Training Management Software packages, and FTO software (\$113,200)

- **Fargo Garage Addition**

- Removed (\$722,000)

- **Shooting Range Targeting System**

- Added \$200,000

# FEDERAL ASSET FORFEITURE

## Federal eShare Program

- Redistribution of assets to state and local agencies which were part of the case
- Assets may not co-mingle with state assets
- There are different spending uses and requirements
  - Law enforcement operations and investigations
  - Law enforcement training and education
  - Law enforcement, public safety, and detention facilities
  - Law enforcement equipment
  - Joint law enforcement/public safety operations
  - Contracts for services
  - Law enforcement travel and per diem
  - Law enforcement awards and memorials
  - Drug, gang, and other prevention or awareness programs
  - Matching grants
  - Support of community-based organizations
- May not be distributed into the general fund

# FEDERAL ASSET FORFEITURE

## Current language:

**39-03-18. Highway patrol - Assets forfeiture fund - Purpose - Continuing appropriation.**

There is created a fund to be known as the highway patrol assets forfeiture fund. The fund consists of funds obtained from moneys, assets, and proceeds seized and forfeited pursuant to section 19-03.1-36, amounts received through court proceedings as restitution, and amounts remaining from the forfeiture of property after the payment of expenses for forfeiture and sale authorized by law. The total amount of deposits into the fund may not exceed three hundred thousand dollars within a biennium and any moneys in excess of that amount must be deposited in the general fund. The funds are appropriated as a continuing appropriation to the highway patrol for the following purposes:

1. For paying expenses necessary to inventory, safeguard, maintain, advertise, or sell property seized, detained, or forfeited, pursuant to section 19-03.1-36, or of any other necessary expenses incident to the seizure, detention, or forfeiture of the property.
2. For paying overtime compensation incurred as a result of investigations or violations of any state criminal law or law relating to the control of drug abuse.
3. For purchasing equipment related to criminal interdiction.
4. For paying matching funds required as a condition for receipt of funds from a federal government program awarding monetary grants or assistance for the investigation or apprehension of persons violating the provisions of chapter 19-03.1.

The superintendent of the highway patrol, with the concurrence of the director of the office of management and budget, shall establish the necessary accounting procedures for the use of the fund and shall personally approve, in writing, all requests for the use of the fund.

# FEDERAL ASSET FORFEITURE

## Proposed Language Options:

**NEW: Highway patrol – Federal assets forfeiture fund – Purpose – Continuing appropriation.**

There is created a fund to be known as the highway patrol federal assets forfeiture fund. The fund consists of funds obtained through federal asset forfeiture sharing programs. Funds received through federal sharing programs shall not be deposited in the same account as other assets forfeited pursuant to 39-03-18. Deposits in excess of three hundred thousand dollars within a biennium must remain in the fund until appropriation authority is granted during the subsequent legislative session. The funds, up to three hundred thousand dollars are appropriated as a continuing appropriation to the highway patrol. Funding shall only be used for eligible purchases as outlined by the US Department of Justice and US Department of Treasury.

The superintendent of the highway patrol, with the concurrence of the director of the office of management and budget, shall establish the necessary accounting procedures in accordance to the federal asset sharing program for the use of the fund and shall personally approve, in writing, all requests for the use of the fund.

# PER DIEM FOR NEW POSITIONS

- Section 6 of HB1011 includes \$200/month per diem for troopers
- **We would need to add that amount for each additional trooper. With the (9) additional positions in the house version, the amount of per diem is \$43,200.**
- The amount would increase/decrease by \$4,800 per trooper FTE added or removed

# ON-CALL AND OVERTIME PAY

- 67<sup>th</sup> Legislative assembly provided funding with a goal of 1/4<sup>th</sup> pay for on-call
- Implementation was at 1/5<sup>th</sup> pay rate while on-call
- Additional funding needed to maintain 1/5<sup>th</sup> on-call rate and overtime rate with increases in salary adjustment packages
- Additional funding will be needed to maintain 1/5<sup>th</sup> rate and overtime rate increases if equity bill through OMB passes

# ON-CALL AND OVERTIME NEEDS

Current Overtime and On-Call Pay Budget

	Current Budget Total	Current Budget State (86/14)	Current Budget Federal
Overtime	\$ 1,872,000.00	\$ 1,032,000.00	\$ 840,000.00
On-Call	\$ 1,056,000.00	\$ 982,000.00	\$ 74,000.00
<b>Total</b>	<b>\$ 2,928,000.00</b>	<b>\$ 2,014,000.00</b>	<b>\$ 914,000.00</b>

Additional Funding – House 4/4% Increases

	Increase Needed House 4/4% Total	Increase Needed House 4/4% State Funds	Increase Needed House 4/4% Federal Funds/Auth
Overtime	\$ 152,755.20	\$ 84,211.20	\$ 68,544.00
On-Call	\$ 86,169.60	\$ 80,131.20	\$ 6,038.40
<b>Total</b>	<b>\$ 238,924.80</b>	<b>\$ 164,342.40</b>	<b>\$ 74,582.40</b>

Additional Funding – Executive 6/4% Increases

	Increase Needed Executive 6/4% Total	Increase Needed Executive 6/4% State Funds	Increase Needed Executive 6/4% Federal Funds/Auth
Overtime	\$ 191,692.80	\$ 105,676.80	\$ 86,016.00
On-Call	\$ 108,134.40	\$ 100,556.80	\$ 7,577.60
<b>Total</b>	<b>\$ 299,827.20</b>	<b>\$ 206,233.60</b>	<b>\$ 93,593.60</b>

Additional Funding Needed – Equity Pool

	Increase Needed Equity (~4%) Total Funds	Increase Needed Equity (~4%) State Funds	Increase Needed Equity (~4%) Federal Funds
Overtime	\$ 74,880.00	\$ 41,280.00	\$ 33,600.00
On-Call	\$ 42,240.00	\$ 39,280.00	\$ 2,960.00
<b>Total</b>	<b>\$ 117,120.00</b>	<b>\$ 80,560.00</b>	<b>\$ 36,560.00</b>

# HIGHWAY PATROL RETIREMENT SYSTEM INFUSION

- A \$3,000,000 request was presented to the house, reduced to \$2,000,000
- Fund 276 – Electronic Motor Carrier Permit Fund

# HIGHWAY PATROL PERS FUND

- **Annual 0.5% employee and employer increases**
  - Started January 1, 2022
  - Ending January 1, 2025 (4% total)
  - Reduced the impact of 1.5% and 2% salary increases
- **Actuarial valuation results – October 25, 2022**
  - 16% below “actuarially required rate” for contributions (vs 19%)
  - Funded ratio from around 70% currently to around 40% by 2062
  - Plan would eventually become insolvent
- **Options to explore**



# HIGHWAY PATROL PERS MISPERCEPTIONS

- ***Do most troopers retire at age 50?***

- Early retirement would result in a 6% reduction per year in benefits prior to age 55 (e.g., 30% less at age 50 absent the rule of 80)
- The mandatory retirement age is 60

- ***Can troopers retire early with full benefits?***

- Troopers are vested after 10 years of service (versus 3 years for Main/Public Safety plans)
- Retirement benefits are calculated using the multiplier which is 3.6% for the first 25 years and then 1.75% thereafter

- ***Do troopers get social security benefits?***

- Troopers do not pay into social security – there are no employee/employer contributions
- Troopers do not earn social security service credits

# PERS PLAN COMPARISON

<b>PERS Plans - As of January 2025</b>	<b>Main</b>	<b>Public Safety</b>	<b>Highway Patrol</b>
Employee PERS Contribution*	3	1.5	11.3
Employee Social Security Contribution	6.2	6.2	0
<b>Total Employee Contribution</b>	<b>9.2</b>	<b>7.7</b>	<b>11.3</b>
Employer PERS Contribution	12.26	11.93	25.7
Employer Social Security Contribution	6.2	6.2	0
Medicare	1.45	1.45	1.45
Health Insurance Credit	0	1.14	1.14
<b>Total Employer Contribution</b>	<b>19.91</b>	<b>20.72</b>	<b>28.29</b>
<b>Total Combined Contribution</b>	<b>29.11</b>	<b>28.42</b>	<b>39.59</b>
<b>Vesting</b>	<b>3 years - age 65</b>	<b>3 years</b>	<b>10 years</b>
<b>Early Retirement Age</b>	<b>60</b>	<b>50</b>	<b>50</b>
<b>Normal Retirement Age</b>	<b>Rule of 90 - age 65</b>	<b>Rule of 85 - age 55</b>	<b>Rule of 80 - age 55</b>
<b>Benefit Formula</b>	<b>1.75%</b>	<b>1.75%</b>	<b>3.6% for 25 years then 1.75%</b>
<b>Early Retirement Reduction</b>	<b>8%/year</b>	<b>6%/year</b>	<b>6%/year</b>

\*Factoring 4% of employee portion covered by the state.

# COMPENSATION AND BENEFITS

2021-23 Biennium	Request	Appropriation
Equity Pay	\$1,532,000	\$1,532,000
On-Call Pay	\$912,000	\$560,500
Location-Based Pay	\$172,800	\$0
<b>Total</b>	<b>\$2,616,800</b>	<b>\$2,092,500</b>

## Last Session's Goals

- Restore competitive pay
- 1/4 time for on-call pay
- Revive location-based pay

## Outcomes

- Remained in 7<sup>th</sup> place
- 1/5 time\* for on-call pay (24-hr)
- No location-based pay

*\*On-call expenses will increase with salaries*

# COMPENSATION AND BENEFITS

- The Williams County Sheriff's Office recently increased top pay for corporal by 22%
- A recent North Dakota Association of Counties study found that of ND law enforcement officers leaving their agency:
  - 48% went to another local ND law enforcement agency
  - 17% left ND
  - Only 3% went to the NDHP



# WORKFORCE ISSUES

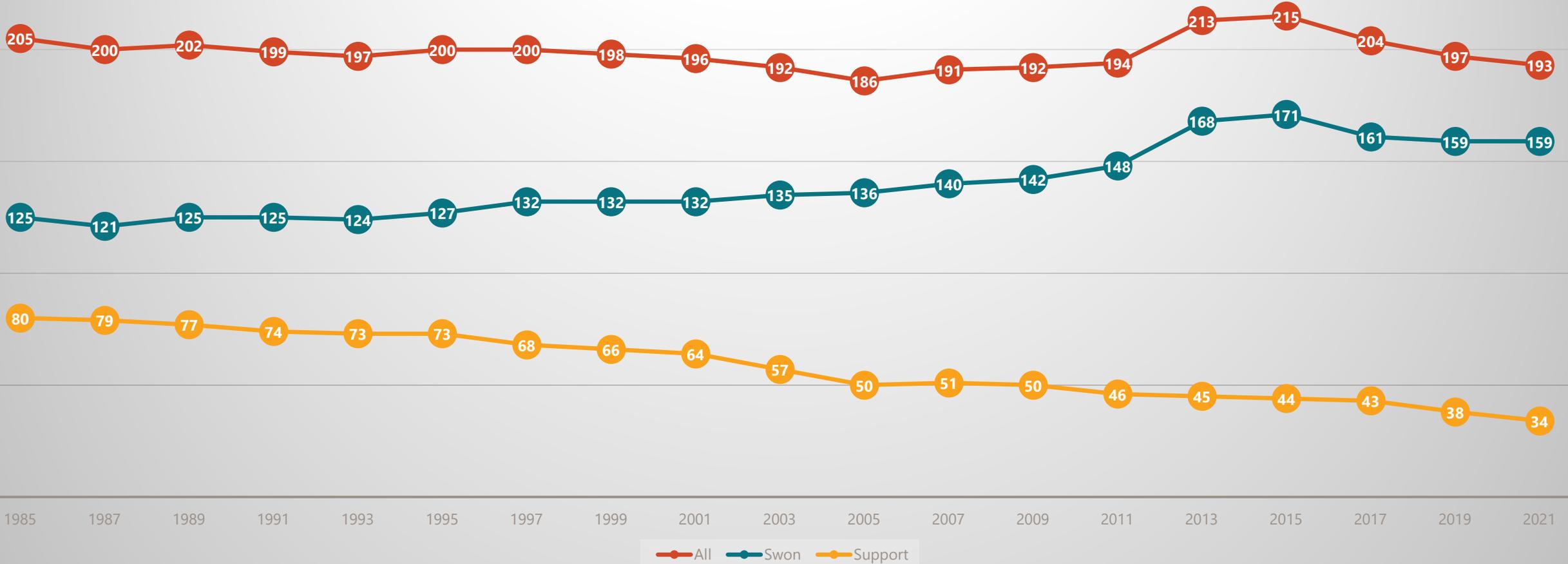
- 7<sup>th</sup> place in top pay among law enforcement agencies in ND
  - Used to be one of the most competitive
- High education and training requirements
  - Bachelor's degree or 60 semester hours/two years experience
  - 4-5 month hiring cycle
  - 6-month training academy
  - 2 months of field training
- Statewide post locations with limited initial offerings
  - Promotions often require a transfer/relocation

# WORKFORCE ISSUES

- Negative portrayals and attitudes toward law enforcement across the nation
- Unpredictable and dangerous profession
  - Various physical and mental health factors such as violent altercations, vehicle pursuits, hypervigilance, cumulative stress, vicarious trauma, poor sleep cycles, extreme weather, etc.
- FTEs reduced by 10% - from 215 to 193 (205 in 1985)
  - North Dakota's population has increased by 15% since 1985
  - Vehicle miles traveled have increased by 67% since 1985

# HISTORICAL STAFFING

NDHP Authorized FTDs per Biennium: 1985-2019



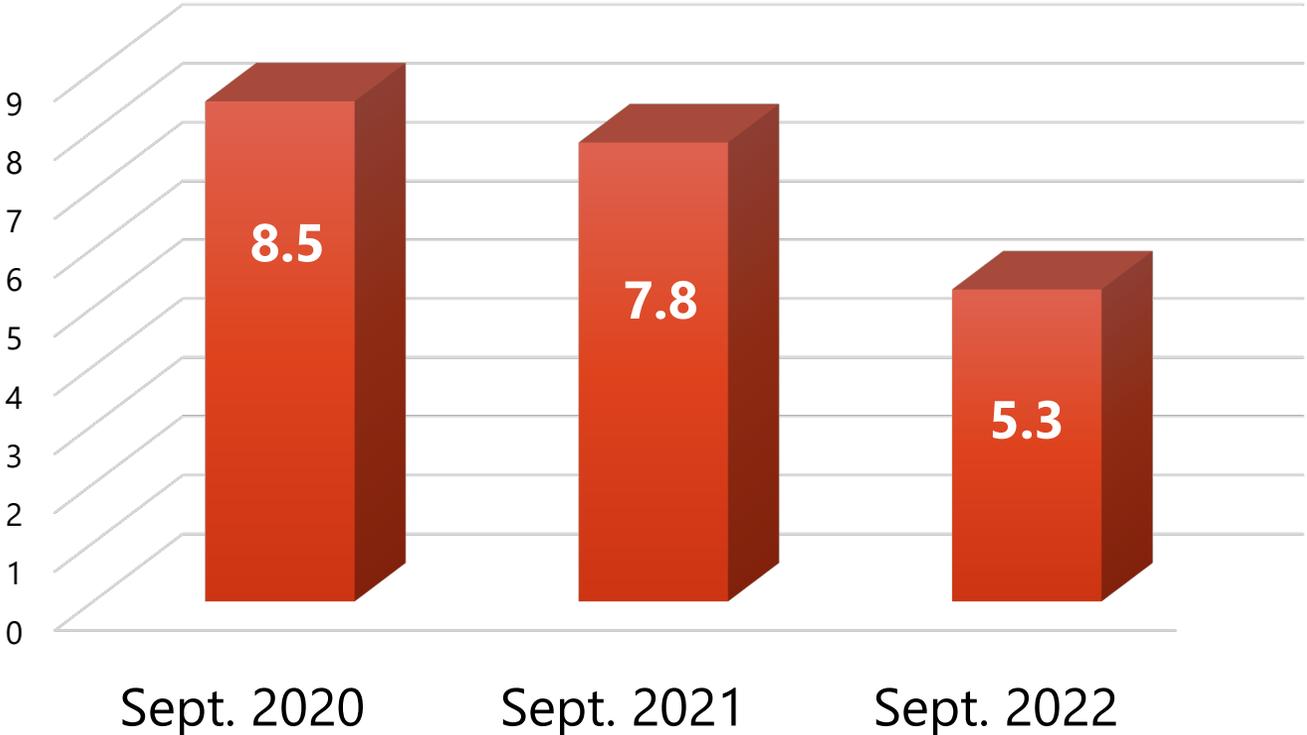
# WORKFORCE ISSUES

- Troopers stationed in 30 of 53 counties (43% without)
- Troopers provide specialized services to local agencies
  - Advanced crash investigation
  - Commercial motor vehicle enforcement
  - Supplemental emergency assistance and backup
- 91 core traffic enforcement troopers covering 70,700 sq. miles
  - Historical vacancy rate of 5-6 troopers/month (rarely ever fully-staffed)



# WORKFORCE ISSUES

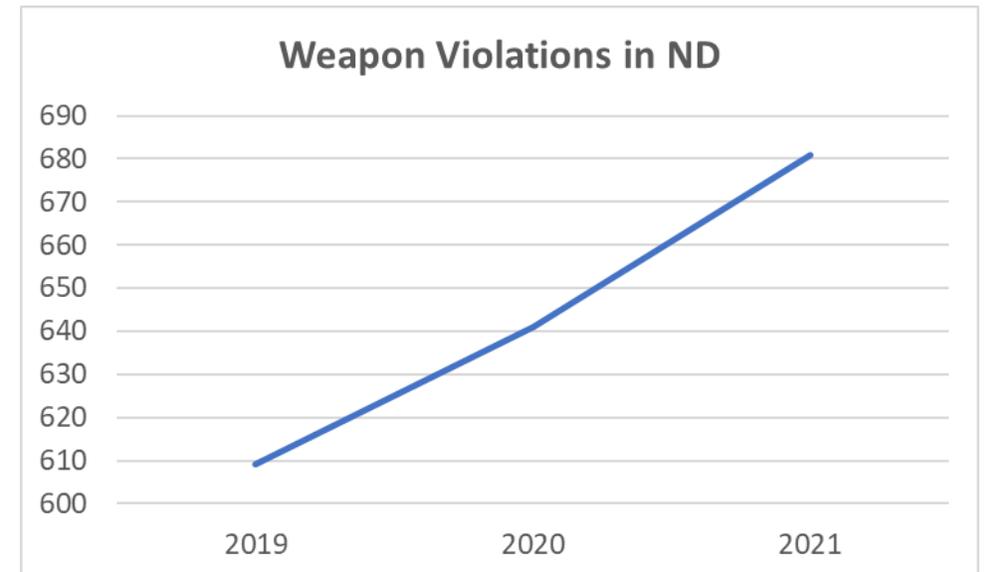
## NDHP qualified applicants per open position



# DANGEROUS & UNPREDICTABLE PROFESSION

## Officer-Involved Shootings in North Dakota

- September 7, 2021: Interstate 94 west of Mandan (NDHP)
- February 7, 2022: Rural residence in Grand Forks County (Grand Forks SO)
- April 21, 2022: Mott-Regent Public School in Mott (Hettinger SO)
- July 8, 2022: Residential garage in Fargo (Fargo PD)
- July 19, 2022: Interstate 94 in Fargo (NDHP)
- August 1, 2022: Residence in Mapleton (Fargo PD Swat)
- December 9, 2022: Traffic stop in Williston (Williston PD)



# DANGEROUS & UNPREDICTABLE PROFESSION



- Multi-vehicle crash on November 9, 2022
- Ice covered roadways near Jamestown
- Trooper Breitbach's vehicle struck
- Seven additional crashes involving 18 vehicles
- No serious injuries or deaths



Questions?

# House Bill 1011

March 8, 2023



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