

2021 HOUSE EDUCATION

HB 1494

2021 HOUSE STANDING COMMITTEE MINUTES

Education Committee Coteau AB Room, State Capitol

HB 1494
1/26/2021

Relating to law enforcement grant program; to provide for legislative management report, to provide a penalty and an appropriation

Chairman Owens called the hearing to order at 2:30 PM. Roll call was taken with Reps. Owens, Schreiber-Beck, Heinert, Hoverson, D. Johnson, Longmuir, Marschall, Pyle, Richter, Simons, Zubke, Guggisberg and Hager present. Rep. M. Johnson was absent.

Discussion Topics:

- Costs involved with training a new officer
- Law Enforcement Retention Program
- Recruitment and Retention Bonus Program
- Amendment No. 21.0951.01002
- Amendment No. 21.0951.01001
- Capacity issues with or without pilot program
- People leaving for higher paying positions

Rep. Corey Mock introduced HB 1494 #3500, #3502, #3498, #3499, #3496, #3497

Blair Thorson, Peace Officers Association testified in support.

2:57 PM closed the hearing.

3:04 PM reopened the hearing due to technical Zoom issues.

Andrew Schneider, Sheriff, Grand Forks County Sheriff's Department, #3455

3:12 PM closed the hearing.

Bev Monroe, Committee Clerk



NORTH DAKOTA HOUSE OF REPRESENTATIVES

STATE CAPITOL
600 EAST BOULEVARD
BISMARCK, ND 58505-0360



Representative Corey Mock

District 18
P.O. Box 12542
Grand Forks, ND 58208-2542
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COMMITTEES:
Appropriations

January 26, 2021

HB 1494 – Law Enforcement Retention Program

Dear Chairman Mark Owens and members of the House Education Committee,

I'm before you today as one of the sponsors of HB 1494, a bill that would create a law enforcement retention grant program through the Department of Commerce, specifically intended to assist local law enforcement agencies facing disproportionately high turnover rates.

As you heard during this morning's hearing of HB 1404 – student loan forgiveness program for law enforcement officers introduced by Rep. Steve Vetter – law enforcement retention is a problem for many agencies across North Dakota.

It's not uncommon to hear the phrase, "you just can't find good 'help' these days." Recruiting and retaining a skilled workforce is a challenge in virtually all sectors. However, the cost of high turnover in law enforcement is not just financially overwhelming but may lead to decreased quality of service over time in a critical industry.

Attached to my testimony is a memo from Grand Forks Police Department outlining the approximate costs of onboarding and training a new officer, along with some of their statistics from 2019 and 2020. When it comes to onboarding a sworn law enforcement officer:

- Issued equipment: \$2,500 – 4,000
- Salary during Law Enforcement Training Academy (3 months): varies (\$12,000+)
- Salary during Field Training & Evaluation Program (4 months): varies (\$16,000+)
- Field Training Officer Salary during FTEP (4 months): varies (\$20,000+)
- Background process: \$2,000
- Approximate Total Cost of Training and Onboarding: \$52,500 - \$60,000

Prior to today's hearing we have also received written estimates from Grand Forks Sheriff's Office (GFSO) regarding their onboarding and training costs, as well as recent turnover rates. Sheriff Andy Schneider submitted testimony and is planning to testify remotely following me.

Without objection from the committee, I'd like to walk through HB 1494 as written followed by brief introduction of two potential amendments for the committee's consideration.

HB 1494 (As Introduced):

Section 1 – Law enforcement officer retention program

1. Applies WSI definitions of law enforcement employer and officer; officers eligible for state retention bonuses under 54-06-31 would not be eligible under this program.
2. Directs Department of Commerce to establish a law enforcement officer retention program through the allocation of grants to employers.
3. Subject to biennial appropriations, establishes 1:2 grant matching criteria (\$1 state grants for ever \$2 local agency contribution)
4. Directs Department of Commerce to give application preference to law enforcement agencies with a professional development requirement in their written retention policy.
5. Allows Department of Commerce to distribute partial grants if sufficient funds are not available.
6. Establishes eligibility, which require a law enforcement agency to:
 - a. Have a written retention program policy;
 - b. Agencies shall provide their written policy with their application to the Department of Commerce;
 - c. Submit applications for matching funds to the Department of Commerce;
 - d. Provide a report to the Department of Commerce for each bonus awarded.
7. Requires law enforcement officers who receive a retention bonus as part of this program to:
 - a. Be employed for at least 1 year with that agency; and
 - b. May not have received a retention bonus under this program within the last two years.
8. Caps a retention bonus under this program at 10% of the law enforcement officer's annual salary. Also requires an officer to remain employed with the agency for at least 2 years after being awarded a bonus. In the event they leave within the 2 year window, they must return the retention bonus and grant must be refunded to the state.
9. Permits the attorney general to seek civil penalties of any grant recipients who fail to return the funds.
10. Requires Department of Commerce to provide a report to legislative management by May 1st of each even numbered year.
11. Exempts bonuses from being identified as fiscal irregularities under 54-14-03.1, which requires agencies to report fiscal irregularities to our budget section.
12. Allows Department of Commerce to establish any rules needed to implement this grant program.

Section 2 – Appropriation of \$250,000 from the general fund to the Department of Commerce.

While subject to appropriations each legislative session, HB 1494 as introduced would create a law enforcement officer retention program that would continue in perpetuity. Changes can and should be made as we receive data from the program.

HB 1494 with 21.0951.01002 Amendment

Section 1 – Similar to the original bill, this section is amended to create a law enforcement officer retention pilot program and allows the Department of Commerce broader authority to create guidelines consistent with our general parameters and goals.

1. Definitions – same as original bill
2. Adds language to make this an 18-month pilot program during the 2021-22 biennium
3. Removes perpetual language, effectively sunsetting the program after this biennium. Also amends the allocation of funds from an upfront grant to reimbursement of expenditures
4. Grants Department of Commerce broad authority to structure and implement the pilot program, permitting the department to award grants based on need and any other necessary factors.
5. Partial grants may be awarded if insufficient funds are available
6. Continues broad authority of the Department of Commerce to establish eligibility criteria, requiring only that a law enforcement agency provide a written retention program policy and removing agencies who may be eligible for other state retention programs
7. Retains the requirements that officers awarded retention bonuses under this section must be employed with that agency for at least 1 year; removes language prohibiting an officer from receiving more than one retention bonus every 2 years (not necessary in this version since the grant expires after this biennium)
8. Retains 10% cap; changes timeline from 2 years to 18 months so the program can be completed within the biennium. Also removes language requiring funds to be returned if the officer leaves prematurely as the funds would be reimbursed after the fact
9. Civil penalties language removed, consistent with the format of awarding funds
10. States that a report must be presented to legislative management by May 1, 2022 regarding the implementation, progress, and use of the program
11. Irregularities provision (unchanged)
12. Authority of the Department of Commerce to adopt rules for the grant program (unchanged)

Section 2 – Appropriation of \$100,000 (reduced from \$250,000)

Section 3 – Legislative Management Study language, requesting legislative management to study recruitment, retention, turnover, and training of law enforcement and correctional officers employed by state agencies and political subdivisions. While permissive in scope, this language encourages a study to consider historical trends, training demands and resources for all officers, and competitive compensation analysis.

HB 1494 with 21.0951.01001 Amendment

This hoghouse amendment removes all language pertaining to a law enforcement officer retention program (either perpetual or pilot project) and replaces all text with a request to study recruitment, retention, turnover, and training of law enforcement and correctional officers within the state of North Dakota, including all political subdivisions. All other recommendations in this study resolution are the same as Section 3 of the 21.0951.01002 amendment.

I appreciate the committee's time and consideration of HB 1494. I invite you to use these concepts as a first draft, with the hope and intent we can stem this growing tide before the costs become insurmountable.

By working with law enforcement agencies across the state, I'm confident our cooperation will improve the success of all law enforcement agencies and ensure our communities remain safe places for North Dakotans to call home.

Thank you again for your time, Chairman Owens and members of the committee.



Grand Forks Police Department

Education and Outreach Bureau

Memo

From: Lt. William J. Macki
 Re: Approximate cost to train/replace an officer
 Date: January 2021

The following represents the approximate cost to train and equip one police officer. This training is entry-level, and does not account for continued education after the initial field training program has been completed. This includes approximate salary while attending the Law Enforcement Training Academy (LETA), as well as during the Field Training and Evaluation Program (FTEP). As officers in the training program are monitored, one-to-one by a Field Training Officer (FTO), I have included their approximate salary as well.

Issued Equipment:	\$4,000
Salary during LETA (3 months):	\$13,750
Salary during FTEP (4 months):	\$18,350
FTO Salary during FTEP (4 months):	\$21,000
Background Process:	\$2,000

2020:

- 6 new officers
 - 2 new positions
 - 4 replacing officers that left the agency/retired

2019:

- 6 new officers
 - 1 new position
 - 5 replacing officers that left the agency/retired

The ND Law Enforcement Training Academy is free to law enforcement agencies, though if I am not able to get an officer enrolled at LETA, we work with Lake Region State College, which costs an additional \$3,500.

21.0951.01002
Title.

Prepared by the Legislative Council staff for
Representative Mock
January 25, 2021

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1494

Page 1, line 2, replace "grant" with "retention pilot"

Page 1, line 3, remove "and"

Page 1, line 3, after "appropriation" insert "; and to provide for a legislative management study"

Page 1, line 7, replace "**Grants**" with "**Pilot program**"

Page 1, line 18, after the first "retention" insert "pilot"

Page 1, line 19, after "employers" insert "during the 2021-22 biennium"

Page 1, line 20, remove "each biennium"

Page 1, line 21, replace "award" with "reimburse"

Page 1, line 23, replace "The" with "Except as otherwise provided in this section, the"

Page 1, line 23, replace "shall" with "may"

Page 1, line 23, remove "that include"

Page 1, line 24, replace "professional development requirements in the written policy under subsection 6" with "based on a demonstration of need and any other factors established by the department of commerce"

Page 2, line 3, remove the underscored colon

Page 2, line 4, replace "a. Have" with "have"

Page 2, line 4, after "written" insert "retention pilot program"

Page 2, line 4, remove "identifying eligible positions and provisions for providing"

Page 2, remove lines 5 through 8

Page 2, line 9, replace "the program" with "and must be a public law enforcement agency not otherwise eligible for state retention programs"

Page 2, line 11, remove the underscored colon

Page 2, line 12, replace "a. The" with "the"

Page 2, line 13, remove "; and"

Page 2, remove line 14

Page 2, line 15, remove "the past two years"

Page 2, line 17, replace "two years" with "eighteen months"

Page 2, line 18, remove "the law"

Page 2, remove line 19

Page 2, line 20, remove "funds to"

Page 2, line 20, after "commerce" insert "may withhold grant awards"

Page 2, line 21, remove "If a law enforcement officer fails to return a bonus under subsection 8, the attorney"

Page 2, remove line 22

Page 2, line 23, remove "10."

Page 2, line 23, replace "first of each even numbered year" with "1, 2022"

Page 2, line 26, replace "11." with "10."

Page 2, line 27, replace "12." with "11."

Page 2, line 30, replace "\$250,000" with "\$100,000"

Page 3, line 1, after "retention" insert "pilot"

Page 3, after line 2, insert:

"SECTION 3. LAW ENFORCEMENT AND CORRECTIONAL OFFICERS - LEGISLATIVE MANAGEMENT STUDY. During the 2021-22 interim, the legislative management shall consider studying the recruitment, retention, turnover, and training of law enforcement and correctional officers employed by state agencies and political subdivisions. The study may include a review of current and historical rates of retention and turnover, the training and professional development offered and required of law enforcement and correctional officers, and an analysis of the compensation and benefits of law enforcement and correctional officers employed by state agencies, political subdivisions, and comparable positions in other states within the region. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations to the sixty-eighth legislative assembly."

Renumber accordingly

21.0951.01002

Sixty-seventh
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1494

Introduced by

Representatives Mock, Heinert, Ista, M. Ruby, Schauer, Stemen, Vetter

Senator Meyer

1 A BILL for an Act to create and enact a new section to chapter 54-60 of the North Dakota
2 Century Code, relating to a law enforcement ~~grant~~retention pilot program; to provide for a
3 legislative management report; to provide a penalty; ~~and~~ to provide an appropriation; and to
4 provide for a legislative management study.

5 BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

6 **SECTION 1.** A new section to chapter 54-60 of the North Dakota Century Code is created
7 and enacted as follows:

8 **Law enforcement officer retention program - ~~Grants~~Pilot program - Penalty - Report**
9 **to legislative management.**

10 1. For purposes of this section:

11 a. "Employer" means the North Dakota state university police department, the North
12 Dakota state college of science police department, the university of North Dakota
13 police department, a county sheriff's department, or a city police department.

14 b. "Law enforcement officer" means an individual who is licensed to perform peace
15 officer law enforcement duties under chapter 12-63 and employed by an
16 employer. The term does not include an individual eligible for the retention bonus
17 program under section 54-06-31.

18 2. The department of commerce shall establish and implement a law enforcement officer
19 retention pilot program for the retention of law enforcement officers through grants to
20 employers during the 2021-22 biennium.

21 3. Subject to legislative appropriations, ~~each biennium~~ the department of commerce shall
22 ~~award~~reimburse one dollar in matching grants for every two dollars dedicated by an
23 employer for the retention of law enforcement officers.

1 4. ~~The~~Except as otherwise provided in this section, the department of commerce
2 shall~~may~~ give preference to employers ~~that include professional development~~
3 ~~requirements in the written policy under subsection 6~~based on a demonstration of
4 need and any other factors established by the department of commerce.

5 5. If the remaining funds are insufficient to provide a matching grant as specified under
6 subsection 3, the department of commerce may award a lesser amount.

7 6. To be eligible for a grant under this section, a law enforcement officer's employer shall:

8 ~~a. Have~~have a written retention pilot program policy ~~identifying eligible positions and~~
9 ~~provisions for providing and receiving bonuses;~~

10 ~~b. Submit a copy of the written policy to the department of commerce;~~

11 ~~c. Submit an application for matching funds to the department of commerce; and~~

12 ~~d. Provide a report to the department of commerce for each bonus awarded under~~
13 ~~the program~~and must be a public law enforcement agency not otherwise eligible
14 for state retention programs.

15 7. In addition to the eligibility requirements under subsection 6, a law enforcement officer
16 is eligible to receive a retention bonus under this section if:

17 ~~a. The~~the law enforcement officer has been a sworn officer with the employer for at
18 least one year before a bonus is awarded; and

19 ~~b. The law enforcement officer has not received a bonus under this section within~~
20 ~~the past two years.~~

21 8. A retention bonus may not exceed ten percent of the law enforcement officer's annual
22 salary. If within ~~two years~~eighteen months the law enforcement officer who receives a
23 bonus under this section is no longer employed by the employer who awarded the
24 bonus, the law enforcement officer shall return the bonus and the employer shall
25 ~~return any grant funds to~~ the department of commerce may withhold grant awards.

26 9. ~~If a law enforcement officer fails to return a bonus under subsection 8, the attorney-~~
27 ~~general shall order and collect a civil penalty not to exceed the amount of the bonus.~~

28 ~~10.~~ By May first of each even numbered year 1, 2022, the department of commerce shall
29 provide a report to the legislative management on the implementation, progress, and
30 bonuses provided under this section.

31 ~~11.~~10. Bonuses paid under this section are not fiscal irregularities under section 54-14-03.1.

1 ~~12:11.~~ The department of commerce shall adopt any rules necessary to implement this
2 section.

3 **SECTION 2. APPROPRIATION.** There is appropriated out of any moneys in the general
4 fund in the state treasury, not otherwise appropriated, the sum of ~~\$250,000~~\$100,000, or so
5 much of the sum as may be necessary, to the department of commerce for the purpose of
6 implementing the law enforcement retention pilot program, for the biennium beginning July 1,
7 2021, and ending June 30, 2023.

8 **SECTION 3. LAW ENFORCEMENT AND CORRECTIONAL OFFICERS - LEGISLATIVE**
9 **MANAGEMENT STUDY.** During the 2021-22 interim, the legislative management shall consider
10 studying the recruitment, retention, turnover, and training of law enforcement and correctional
11 officers employed by state agencies and political subdivisions. The study may include a review
12 of current and historical rates of retention and turnover, the training and professional
13 development offered and required of law enforcement and correctional officers, and an analysis
14 of the compensation and benefits of law enforcement and correctional officers employed by
15 state agencies, political subdivisions, and comparable positions in other states within the region.
16 The legislative management shall report its findings and recommendations, together with any
17 legislation required to implement the recommendations to the sixty-eighth legislative assembly.

21.0951.01001
Title.

Prepared by the Legislative Council staff for
Representative Mock
January 22, 2021

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1494

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to provide for a legislative management study of law enforcement and correctional officer recruitment, retention, turnover, and training.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. LAW ENFORCEMENT AND CORRECTIONAL OFFICERS - LEGISLATIVE MANAGEMENT STUDY. During the 2021-22 interim, the legislative management shall consider studying the recruitment, retention, turnover, and training of law enforcement and correctional officers employed by state agencies and political subdivisions. The study may include a review of current and historical rates of retention and turnover, the training and professional development offered and required of law enforcement and correctional officers, and an analysis of the compensation and benefits of law enforcement and correctional officers employed by state agencies, political subdivisions, and comparable positions in other states within the region. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations to the sixty-eighth legislative assembly."

Renumber accordingly

21.0951.01001

Sixty-seventh
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1494

Introduced by

Representatives Mock, Heinert, Ista, M. Ruby, Schauer, Stemen, Vetter

Senator Meyer

A BILL ~~for an Act to create and enact a new section to chapter 54-60 of the North Dakota Century Code, relating to a law enforcement grant program; to provide for a legislative management report; to provide a penalty; and to provide an appropriation.~~ for an Act to provide for a legislative management study of law enforcement and correctional officer recruitment, retention, turnover, and training.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

~~**SECTION 1.** A new section to chapter 54-60 of the North Dakota Century Code is created and enacted as follows:~~

~~**Law enforcement officer retention program - Grants - Penalty - Report to legislative management.**~~

~~1. For purposes of this section:~~

~~a. "Employer" means the North Dakota state university police department, the North Dakota state college of science police department, the university of North Dakota police department, a county sheriff's department, or a city police department.~~

~~b. "Law enforcement officer" means an individual who is licensed to perform peace officer law enforcement duties under chapter 12-63 and employed by an employer. The term does not include an individual eligible for the retention bonus program under section 54-06-31.~~

~~2. The department of commerce shall establish and implement a law enforcement officer retention program for the retention of law enforcement officers through grants to employers.~~

~~3. Subject to legislative appropriations, each biennium the department of commerce shall award one dollar in matching grants for every two dollars dedicated by an employer for the retention of law enforcement officers.~~

- ~~4. The department of commerce shall give preference to employers that include professional development requirements in the written policy under subsection 6.~~
- ~~5. If the remaining funds are insufficient to provide a matching grant as specified under subsection 3, the department of commerce may award a lesser amount.~~
- ~~6. To be eligible for a grant under this section, a law enforcement officer's employer shall:~~
 - ~~a. Have a written policy identifying eligible positions and provisions for providing and receiving bonuses;~~
 - ~~b. Submit a copy of the written policy to the department of commerce;~~
 - ~~c. Submit an application for matching funds to the department of commerce; and~~
 - ~~d. Provide a report to the department of commerce for each bonus awarded under the program.~~
- ~~7. In addition to the eligibility requirements under subsection 6, a law enforcement officer is eligible to receive a retention bonus under this section if:~~
 - ~~a. The law enforcement officer has been a sworn officer with the employer for at least one year before a bonus is awarded; and~~
 - ~~b. The law enforcement officer has not received a bonus under this section within the past two years.~~
- ~~8. A retention bonus may not exceed ten percent of the law enforcement officer's annual salary. If within two years the law enforcement officer who receives a bonus under this section is no longer employed by the employer who awarded the bonus, the law enforcement officer shall return the bonus and the employer shall return any grant funds to the department of commerce.~~
- ~~9. If a law enforcement officer fails to return a bonus under subsection 8, the attorney general shall order and collect a civil penalty not to exceed the amount of the bonus.~~
- ~~10. By May first of each even numbered year, the department of commerce shall provide a report to the legislative management on the implementation, progress, and bonuses provided under this section.~~
- ~~11. Bonuses paid under this section are not fiscal irregularities under section 54-14-03.1.~~
- ~~12. The department of commerce shall adopt any rules necessary to implement this section.~~

1 ~~— **SECTION 2. APPROPRIATION.** There is appropriated out of any moneys in the general-~~
2 ~~fund in the state treasury, not otherwise appropriated, the sum of \$250,000, or so much of the-~~
3 ~~sum as may be necessary, to the department of commerce for the purpose of implementing the-~~
4 ~~law enforcement retention program, for the biennium beginning July 1, 2021, and ending-~~
5 ~~June 30, 2023.~~

6 **SECTION 1. LAW ENFORCEMENT AND CORRECTIONAL OFFICERS - LEGISLATIVE**
7 **MANAGEMENT STUDY.** During the 2021-22 interim, the legislative management shall consider
8 studying the recruitment, retention, turnover, and training of law enforcement and correctional
9 officers employed by state agencies and political subdivisions. The study may include a review
10 of current and historical rates of retention and turnover, the training and professional
11 development offered and required of law enforcement and correctional officers, and an analysis
12 of the compensation and benefits of law enforcement and correctional officers employed by
13 state agencies, political subdivisions, and comparable positions in other states within the region.
14 The legislative management shall report its findings and recommendations, together with any
15 legislation required to implement the recommendations to the sixty-eighth legislative assembly.

GRAND FORKS COUNTY SHERIFF'S OFFICE



122 S 5TH ST, SUITE 210
GRAND FORKS, NORTH DAKOTA 58201-4632
SHERIFFS.OFFICE@GFCOUNTY.ORG

PHONE: 701-780-8280

FAX: 701-780-8307

SHERIFF ANDY SCHNEIDER



To: House Education Committee Members
From: Sheriff Andy Schneider
Date: January 26th, 2021
RE: HB 1494

Dear Education Committee Members,

My name is Andy Schneider, and I have the privilege and honor of being the Sheriff in Grand Forks County. I am providing testimony today in favor of HB 1494.

House Bill 1494 is an opportunity for the Law Enforcement agencies in the State of North Dakota to retain high quality, well-trained officers. The bill provides accountability to governing authorities to also contribute to the retention of officers and establish sound policies for the dissemination of funds. It incentivizes officers to remain employed with their current agency instead of looking around for higher paying agencies, including out-of-state agencies and private sector non-law enforcement jobs. This bill is not a free handout to officers or agencies, as they will be accountable to provide \$2.00 in order to receive \$1.00.

- Last year the Grand Forks County Sheriff's Office received four (4) resignations from Deputy Sheriffs.
- Our average turnover is around 10%.
- Our agency currently employs 34 sworn officers.
- Of the four resignations:
 - Three (3) left the agency for more money at a different law enforcement agency in this state.
- The average cost of starting a new deputy with our agency runs an average of \$2,500.00 for uniforms and equipment, and average salary (benefits not included) of \$18,000.00-\$22,000.00 for their training officers (over a 4 month period).
- Certain items are specific to deputies, to include: Uniform shirts (long/short sleeve), uniform pants (duty/Class A), boots, duty belt, body armor, body armor carriers, hats, etc.
 - These items are almost always purchased for appropriate sizing.
- Deputies typically resign within 3 months - 7years if they are going to pursue another job/career.
- The top two reasons persons say they are leaving are:
 - I'm taking my dream job
 - I found a better paying job
- Coincidentally, the dream jobs always have higher pay.
- Deputies who leave are typically educated and perform at a high level in their position.

Thank you for considering HB 1494, and thank you for your do-pass recommendation. The citizens of North Dakota and the law enforcement officers that serve them will both be appreciative of your affirmation. I sincerely thank you for your time and consideration today. I am available at any time of day to further discuss this important bill with any and all of you.

Andy Schneider
Sheriff
Grand Forks County
701-741-2269
andrew.schneider@gfcounty.org

2021 HOUSE STANDING COMMITTEE MINUTES

Education Committee Coteau AB Room, State Capitol

HB 1494
2/1/21

Relating to law enforcement grant program; to provide for legislative management report, to provide a penalty and an appropriation

Chairman Owens called the meeting to order at 4:25 PM. Roll call: Reps. Owens, Schreiber-Beck, Heinert, Hoverson, D. Johnson, M. Johnson, Longmuir, Marschall, Pyle, Richter, Simons, Zubke, Guggisberg and Hager present.

Rep. Heinert moved to adopt an amendment .01001, seconded by **Rep. Zubke**.
Voice Vote motion carried

Rep. Heinert moved a **Do Pass as Amended**, seconded by **Rep. Pyle**.

Roll call vote:

Representatives	Vote
Representative Mark S. Owens	Y
Representative Cynthia Schreiber-Beck	Y
Representative Ron Guggisberg	Y
Representative LaurieBeth Hager	Y
Representative Pat D. Heinert	Y
Representative Jeff A. Hoverson	N
Representative Dennis Johnson	Y
Representative Mary Johnson	N
Representative Donald Longmuir	Y
Representative Andrew Marschall	Y
Representative Brandy Pyle	Y
Representative David Richter	Y
Representative Luke Simons	N
Representative Denton Zubke	Y

Motion carried for a Do Pass as Amended. 11-3-0 Rep. Heinert is the carrier.

Chairman Owens closed the meeting on HB 1494 at 4:30 PM.

Bev Monroe, Committee Clerk

January 22, 2021

9/3
2/1/21

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1494

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to provide for a legislative management study of law enforcement and correctional officer recruitment, retention, turnover, and training.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. LAW ENFORCEMENT AND CORRECTIONAL OFFICERS - LEGISLATIVE MANAGEMENT STUDY. During the 2021-22 interim, the legislative management shall consider studying the recruitment, retention, turnover, and training of law enforcement and correctional officers employed by state agencies and political subdivisions. The study may include a review of current and historical rates of retention and turnover, the training and professional development offered and required of law enforcement and correctional officers, and an analysis of the compensation and benefits of law enforcement and correctional officers employed by state agencies, political subdivisions, and comparable positions in other states within the region. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations to the sixty-eighth legislative assembly."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1494: Education Committee (Rep. Owens, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). HB 1494 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to provide for a legislative management study of law enforcement and correctional officer recruitment, retention, turnover, and training.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. LAW ENFORCEMENT AND CORRECTIONAL OFFICERS - LEGISLATIVE MANAGEMENT STUDY. During the 2021-22 interim, the legislative management shall consider studying the recruitment, retention, turnover, and training of law enforcement and correctional officers employed by state agencies and political subdivisions. The study may include a review of current and historical rates of retention and turnover, the training and professional development offered and required of law enforcement and correctional officers, and an analysis of the compensation and benefits of law enforcement and correctional officers employed by state agencies, political subdivisions, and comparable positions in other states within the region. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations to the sixty-eighth legislative assembly."

Renumber accordingly

2021 SENATE EDUCATION

HB 1494

2021 SENATE STANDING COMMITTEE MINUTES

Education Committee
Room JW216, State Capitol

HB 1494
3/17/2021

A BILL for an Act to provide for a legislative management study of law enforcement and correctional officer recruitment, retention, turnover, and training.

Chair Schaible opened the hearing at 9:00 AM.

Discussion Topics:

- Retention grant
- Launching pilot program
- Proper & ongoing professional development
- Salary and benefits

Senator	Attendance
Chairman Schaible	P
Senator Elkin	P
Senator Conley	P
Senator Lemm	P
Senator Oban	P
Senator Wobbema	P

Rep Corey Mock, Dist 18 introduced the bill #9639

Travis Engelhardt – HR Dir - Dept Corrections/Rehab – testified in support #9694

Adjourned at 9:20 AM

Lynn Wolf, Committee Clerk



NORTH DAKOTA HOUSE OF REPRESENTATIVES

STATE CAPITOL
600 EAST BOULEVARD
BISMARCK, ND 58505-0360



Representative Corey Mock

District 18
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COMMITTEES:
Appropriations

March 17, 2021

HB 1494 – Law Enforcement Retention Program – Study

Dear Chairman Don Schaible and members of the Senate Education Committee,

I'm before you today as one of the sponsors of HB 1494, a bill to study recruitment, retention, turnover, and training of public law enforcement and correctional officers employed in North Dakota.

HB 1494 was originally introduced to create a law enforcement retention grant program through the Department of Commerce, specifically intended to assist local law enforcement agencies facing disproportionately high turnover rates. We took concepts from NDCC 54-06-31 (state employee recruitment / retention) and 15-10-48.1 (UND school of law recruitment / retention grants) to develop the proposed pilot program.

While the bill as introduced may serve as a good first draft for discussion purposes, sponsors and supporters agreed the topic deserves more discussion and review before launching into a pilot project. Therefore, we offered an amendment to instead study the issue during the upcoming interim.

Law enforcement and correctional workers are an integral part of our public safety network. Onboarding requires an immense use of time and financial resources. Proper and ongoing professional development is not just a matter of public service but can *literally* be the difference between life or death in critical moments.

Studying law enforcement and correctional officer recruitment, retention, training, and development gives us a manageable sample to explore public workforce challenges. It's also focused narrowly enough that recommendations could be easily implemented in the 68th Legislative Assembly and/or individually by political subdivisions.

Success of this study would not only benefit our law enforcement and correctional agencies, but likely help us address other public-sector workforce challenges moving forward.

Thank you again for your time and consideration, Chairman Schaible and members of the committee.

**SENATE EDUCATION COMMITTEE
SENATOR DONALD SCHAIBLE, CHAIR
MARCH 17, 2021**

**NORTH DAKOTA DEPARTMENT OF CORRECTIONS AND REHABILITATION
PRESENTING TESTIMONY IN SUPPORT OF HOUSE BILL 1494**

Chairman Schaible and members of the Education Committee, the North Dakota Department of Corrections and Rehabilitation (DOCR) submits this written testimony in support of House Bill 1494, which provides for a legislative management study of law enforcement and correctional officer recruitment, retention, turnover, and training.

The DOCR employs more than 500 peace officers and correctional officers in North Dakota. Corrections and law enforcement are time-honored professions that are inherently dangerous to the brave few who accept the call to duty in order to ensure public safety for all citizens of our great state. Turnover has long been a challenge in corrections. Correctional officer turnover rarely dips under 30 percent and has been as high as 60 percent. Over the past six years, correctional officer turnover has averaged approximately 35 percent across all DOCR adult facilities - North Dakota State Penitentiary (NDSP), James River Correctional Center (JRCC), and Missouri River Correctional Center (MRCC). Juvenile Institutional Residence Specialists (JIRS) and Security Officers are the equivalent of correctional officers but are under our Division of Juvenile Services and work with juveniles. JIRS and Security Officer turnover has averaged approximately 33 percent over the last six years and, at times, has been as high as 62.5 percent. See the tables on the following page for more detail.

ND Department of Corrections and Rehabilitation, Employee Turnover Rates										
ND DOCR Turnover by Division 2011 - 2020										
Year	All DOCR	Youth Correction Center	DJS Community	Parole & Probation	Missouri River Correction Center	James River Correction Center	ND State Penitentiary	Central Office	Rough Rider Industries	Biennium Average
2011	14.3%	17.6%	13.9%	6.0%	4.8%	20.8%	14.2%	9.9%	23.2%	16.3%
2012	18.4%	21.8%	13.9%	8.0%	31.4%	16.2%	23.6%	10.6%	22.2%	
2013	17.4%	14.3%	35.2%	4.9%	21.0%	21.3%	21.5%	15.5%	3.1%	18.6%
2014	19.9%	23.6%	6.8%	4.7%	27.4%	26.6%	29.7%	10.5%	6.5%	
2015	20.9%	27.7%	23.7%	3.7%	27.4%	25.0%	26.8%	11.3%	10.1%	20.7%
2016	20.5%	28.9%	40.6%	8.9%	14.0%	27.0%	18.4%	23.3%	16.1%	
2017	16.5%	25.7%	25.0%	4.1%	18.4%	18.9%	22.3%	10.9%	6.5%	17.6%
2018	18.6%	24.5%	26.5%	9.0%	14.0%	20.0%	24.6%	9.4%	10.7%	
2019	18.9%	13.3%	16.7%	9.8%	17.6%	18.2%	23.8%	26.5%	10.3%	18.1%
2020	17.4%	23.7%	11.8%	11.7%	25.6%	13.2%	20.6%	21.8%	9.1%	
Overall Average	18.4%	22.1%	21.4%	7.1%	20.2%	20.7%	22.5%	15.0%	11.8%	

Correctional Officer (CO)	2015	2016	2017	2018	2019	2020	
Correctional Officer I and II							34.6%
Overall Average	35.8%	25.4%	49.7%	30.9%	32.4%	33.1%	
NDSP CO I and II	33.6%	24.0%	39.7%	39.3%	32.5%	32.3%	
JRCC CO I and II	30.1%	39.7%	49.3%	33.3%	28.4%	24.3%	
MRCC CO I and II	43.8%	12.5%	60.0%	20.0%	36.4%	42.9%	

includes temporary CO's

Juvenile Institutional Residence Specialist (JIRS)	2015	2016	2017	2018	2019	2020	
JIRS I and Temp JIRS	51.9%	63.0%	48.1%	46.4%	11.5%	26.9%	33.3%
JIRS II	12.5%	25.0%	25.0%	37.5%	20.0%	25.0%	
Security Officer	n/a	n/a	n/a	22.2%	22.2%	62.5%	

Why do DOCR employees leave employment? By far, *Other Employment* and *Resignation* are the two most common separation reasons (51.2 percent of all separations) for 2019-2020. See the table at right for more detail.

DOCR Separations - January 2019 through December 2020

Separation Reason	Number	Percentage
School	9	2.6%
Retirement	36	8.9%
Resignation	88	24.9%
Relocation	38	10.9%
Personal	16	4.3%
Other Employment	97	26.3%
End Temp Employ.	29	7.4%
Discharge	52	14.3%
Death	2	0.6%

Turnover of other DOCR team members is also very challenging. The DOCR employs teachers, medical professionals (physician, nurses, dentist, etc.), skilled labor and trades (plumber, electrician, systems mechanic, etc.), mental health and treatment professionals (psychologist, licensed addiction counselors, professional counselors, etc.), and administrative professionals (administrative assistants). Turnover for

administrative assistants has been as

high as 50 percent in recent years.

Turnover of registered nurses, licensed

practical nurses, direct care

associates, and nursing assistants was more than 40 percent for 2019 and 2020. See the table at the right for more detail.

Medical Turnover

RN, LPN, and DCA All Levels	2017	2018	2019	2020
	18.2%	18.2%	43.5%	43.8%

Recruitment of correctional officers and other corrections staff can be challenging. In recent years the DOCR has had to implement a recruitment bonus for new correctional officers in Jamestown at JRCC, and various mental health treatment and medical positions. The DOCR hired 238 new employees in 2019 and 243 in 2020. The

DOCR Hiring

Year	# new hires
2015	229
2016	202
2017	187
2018	193
2019	238
2020	243

DOCR created 339 job postings from January 2019 through November 2020, which was a 4.6 percent increase from the previous two years. Of the 1,292 employees hired 2015 through 2020, 804 were correctional officers, JIRS, security officers, and parole and probation officers, which is 62 percent.

In 2019 and 2020, the process of filling the vacancies included assessing, screening, and ranking over 2,900 applicants; reviewing comprehensive criminal background checks and verifying references; scheduling job function tests, drug screenings, and any additional assessments; and onboarding all new hires. A significant amount of time and money is invested in new hires at the DOCR, including recruitment, onboarding, and training costs. In addition, turnover has significant costs when employees leave, such as administrative payroll time and equipment collection.

In addition to general hiring, onboarding, and new employee orientation, new employees at facilities and in the community also need significant and intensive specialized training. This specialized training is expensive and resource intensive.

The Division of Parole and Probation (P&P) has a Basic Academy for nearly all new hires. This is an 80-hour course of training/education provided by internal P&P staff resources. Approximately 50 percent of P&P Officer new hires must also go through the Peace Officer Basic Academy. This is a 13-week course of study with 487 instruction hours. While in the Peace Officer Basic Academy, the DOCR pays the full salary and, if the officer travels to Bismarck from an office in another part of the state, the DOCR also pays for travel time, mileage, and per-diem. P&P is currently working on a formalized Field Training program, but for now that remains in the hands of the supervisor to orientate/train new employees to the specific and practical application of their various duties. P&P provides all team members, including those who are not licensed peace officers, such as administrative assistants, corrections agents, and community corrections case managers, about 200-250 hours of instruction within their

first two years of employment. A licensed peace officer receives about 300-400 hours of instruction.

The DOCR Staff Development Section is working to review and refine the current curriculum. We have identified a need to provide additional training to current instructors and a need to add more instructors. All instructors are currently employed in other full-time positions across the DOCR. Instructors either come in on a day off or, if someone who is off shift is not available, they are taken from their primary duties to instruct, conduct research, and evaluate classes. The table below provides a summary of training efforts from 2017 through 2021.

DOCR Staff Development Section Efforts

Metric	2017-2019	2019-2021
Number of Course Enrollments	22,332	35,481
Number of Classroom Sessions	1,800	1,610
Operations Staff Instructor Hours	6,272	6,876
Staff Development Department Instructor Hours	935	1,783
Employee Attendee Hours	54,866	62,054
Number of New Employees Trained at JRCC	76	67
Number of New Employees Trained at NDSP	192	191
Hours of Online Training via PeopleSoft	14,044	17,919

In conclusion, recruiting and retaining quality DOCR employees is particularly important given the high cost of hiring, orienting, and training them; the danger and legal liability inherent in their work; and the critical public safety role they play. The two primary factors impacting the DOCR's challenges in recruitment and retention are salary and benefits. Modest investment in these areas would pay off in reduced hiring, orientation, and training costs. Requested investments include salary funding, salary increases, and ongoing fully-paid benefits. The DOCR needs additional funding to

correct internal inequities created when the DOCR is forced by market forces to hire new employees at salary rates at or even higher than long-term employees. The salary increases must be able to account for cost of living increases and for performance; unfortunately, the 1.5 percent to 2 percent increases are less than half of what they need to be to adequately recruit and retain a top-quality public safety workforce. In addition, DOCR believes it critical to continue to fund employee health insurance at no monthly cost to employees and keep participation in the PERS retirement plan for all employees, including new hires. Lastly, the DOCR believes that correctional officers and law enforcement officers employed by the DOCR should be in the same or a similar retirement plan as all other law enforcement employees in North Dakota.

Chairman Schaible and members of the Education Committee, the DOCR asks that you support House Bill 1494 and provide a study to help law enforcement and corrections agencies improve recruitment and retention of key public safety team members.

2021 SENATE STANDING COMMITTEE MINUTES

Education Committee
Room JW216, State Capitol

HB 1494
3/23/2021

A BILL for an Act to provide for a legislative management study of law enforcement and correctional officer recruitment, retention, turnover, and training.

Chair Schaible called to order at 9:48 AM

Discussion Topics:

- Committee Work

Sen Oban moved a Do Pass

Sen Lemm seconded

Roll Call Vote: 6 Yeas; 0 Nay; 0 AB Motion Passed

Sen Wobbema will carry the bill

Adjourned at 9:50 AM

Lynn Wolf, Committee Clerk

Senator	Attendance
Chairman Schaible	P
Senator Elkin	P
Senator Conley	P
Senator Lemm	P
Senator Oban	P
Senator Wobbema	P

HB 1494	Vote
Chairman Schaible	Y
Senator Elkin	Y
Senator Conley	Y
Senator Lemm	Y
Senator Oban	Y
Senator Wobbema	Y

REPORT OF STANDING COMMITTEE

HB 1494, as engrossed: Education Committee (Sen. Schaible, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1494 was placed on the Fourteenth order on the calendar.