

**FIRST ENGROSSMENT
with Conference Committee Amendments
ENGROSSED SENATE BILL NO. 2008**

Introduced by

Appropriations Committee

(At the request of the Governor)

1 A BILL for an Act to provide an appropriation for defraying the expenses of the public service
2 commission; to provide for a railroad safety pilot program; to provide for a railroad training
3 program; to amend and reenact sections 49-01-05 and 57-43.2-19 of the North Dakota Century
4 Code, relating to the salary of public service commissioners and the special fuels excise taxes
5 distribution of funds; to provide a statement of legislative intent; to authorize a transfer; to
6 provide an effective date; to provide for retroactive application; and to declare an emergency.

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

8 **SECTION 1. APPROPRIATION.** The funds provided in this section, or so much of the funds
9 as may be necessary, are appropriated out of any moneys in the general fund in the state
10 treasury, not otherwise appropriated, and from special funds derived from federal funds and
11 other income, to the public service commission for the purpose of defraying the expenses of
12 that agency, for the biennium beginning July 1, 2015, and ending June 30, 2017, as follows:

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
14 Salaries and wages	\$8,506,704	\$1,183,771	\$9,690,475
16 Accrued leave payments	168,278	(168,278)	0
17 Operating expenses	1,895,562	80,000	1,975,562
18 Capital assets	60,665	(34,265)	26,400
19 Grants	20,000	0	20,000
20 Abandoned mined lands contractual	8,000,000	0	8,000,000
21 Rail rate complaint case	900,000	0	900,000
22 Reclamation and grain licensing litigation	150,000	(150,000)	0
23 Railroad safety program	0	523,345	523,345
24 Specialized legal services	0	900,000	900,000

Sixty-fourth
Legislative Assembly

1	Weights and measures temp employee	<u>0</u>	<u>200,000</u>	<u>200,000</u>
2	Total all funds	\$19,701,209	\$2,534,573	\$22,235,782
3	Less estimated income	<u>13,033,549</u>	<u>1,267,026</u>	<u>14,300,575</u>
4	Total general fund	\$6,667,660	\$1,267,547	\$7,935,207
5	Full-time equivalent positions	44.00	2.00	46.00

6 **SECTION 2. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO**

7 **SIXTY-FIFTH LEGISLATIVE ASSEMBLY.** The following amounts reflect the one-time funding
8 items approved by the sixty-third legislative assembly for the 2013-15 biennium and the
9 2015-17 one-time funding items included in the appropriation in section 1 of this Act:

10	<u>One-Time Funding Description</u>	<u>2013-15</u>	<u>2015-17</u>
11	Specialized legal services	\$750,000	\$750,000
12	Hydraulic soil probe	<u>28,000</u>	<u>0</u>
13	Total all funds	\$778,000	\$750,000
14	Total special funds	<u>353,920</u>	<u>336,000</u>
15	Total general fund	\$424,080	\$414,000

16 The 2015-17 one-time funding amounts are not a part of the entity's base budget for the
17 2017-19 biennium. The public service commission shall report to the appropriations committees
18 of the sixty-fifth legislative assembly on the use of this one-time funding for the biennium
19 beginning July 1, 2015, and ending June 30, 2017.

20 **SECTION 3. RAILROAD SAFETY PILOT PROGRAM - RAIL SAFETY FUND -**

21 **LEGISLATIVE INTENT.** The railroad safety program line item in section 1 of this Act includes
22 \$523,345 from the rail safety fund, of which \$253,345 relates to salaries and wages, \$70,000
23 relates to operating expenses, and \$200,000 relates to a railroad safety pilot program
24 temporary employee for the public service commission to establish and operate a state railroad
25 safety pilot program for the biennium beginning July 1, 2015, and ending June 30, 2017. It is the
26 intent of the sixty-fourth legislative assembly that the railroad safety pilot program continue
27 through the 2017-19 biennium.

28 **SECTION 4.**

29 **Railroad training program.**

30 All railroads shall make training available to all fire departments having jurisdiction along
31 routes traversed by unit oil trains. Training must be made available by June 30, 2016, with

1 refresher training made available at least every three years thereafter. Training must address
2 the general hazards of oil and hazardous substances, techniques to assess hazards to the
3 environment and to the safety of responders and the public, factors an incident commander
4 must consider in determining whether to attempt to suppress a fire or to evacuate the public and
5 emergency responders from the area, and other strategies for initial response by local
6 emergency responders. Training must include suggested protocol or practices for local
7 responders to safely accomplish these tasks.

8 **SECTION 5. AMENDMENT.** Section 49-01-05 of the North Dakota Century Code is
9 amended and reenacted as follows:

10 **49-01-05. Salary of commissioners.**

11 The annual salary of a commissioner is ~~ninety-nine thousand four hundred thirty-five dollars~~
12 ~~through June 30, 2014, and one hundred two thousand four hundred eighteen~~ one hundred five
13 thousand four hundred ninety-one dollars through June 30, 2016, and one hundred eight
14 thousand six hundred fifty-six dollars thereafter. All fees received or charged by any
15 commissioner for any act or service rendered in any official capacity must be accounted for and
16 paid over by the commissioner monthly to the state treasurer and must be credited to the
17 general fund of the state.

18 **SECTION 6. TRANSFER AND REPAYMENT - BEGINNING FARMER REVOLVING LOAN**
19 **FUND.** The Bank of North Dakota shall transfer from the beginning farmer revolving loan fund to
20 the public service commission the sum of \$900,000, or so much of the sum as may be
21 necessary, included in the estimated income line item in section 1 of this Act to pay for costs
22 associated with a rail rate complaint case. Transfers must be made during the biennium
23 beginning July 1, 2015, and ending June 30, 2017, upon order of the commission. If any
24 amounts are spent pursuant to this section, the public service commission shall reimburse the
25 beginning farmer revolving loan fund using amounts available from damages or proceeds
26 received, net of legal fees, from a successful outcome of a rail complaint case.

27 **SECTION 7. AMENDMENT.** Section 57-43.2-19 of the North Dakota Century Code is
28 amended and reenacted as follows:

1 **57-43.2-19. (Effective through June 30, 2015) Transfer, deposit, and distribution of**
2 **funds.**

3 All taxes, license fees, penalties, and interest collected under this chapter must be
4 transferred to the state treasurer who shall deposit moneys in a highway tax distribution fund,
5 except all special fuels excise taxes collected on sales of diesel fuel to a railroad under section
6 57-43.2-03 of up to two hundred fifty thousand dollars per year must be transferred to the state
7 treasurer who shall deposit the moneys in the highway-rail grade crossing safety projects fund.
8 The highway tax distribution fund must be distributed in the manner as prescribed by section
9 54-27-19.

10 **(Effective after June 30 July 1, 2015, through June 30, 2019) Transfer, deposit, and**
11 **distribution of funds.** All taxes, license fees, penalties, and interest collected under this
12 chapter must be transferred to the state treasurer who shall deposit moneys in a highway tax
13 distribution fund, except all special fuels excise taxes collected on sales of diesel fuel to a
14 railroad under section 57-43.2-03 of up to two hundred seventy-five thousand dollars per year
15 must be transferred to the state treasurer who shall deposit the moneys in the rail safety fund.
16 The highway tax distribution fund must be distributed in the manner as prescribed by section
17 54-27-19.

18 **(Effective after June 30, 2019) Transfer, deposit, and distribution of funds.** All taxes,
19 license fees, penalties, and interest collected under this chapter must be transferred to the state
20 treasurer who shall deposit moneys in the highway tax distribution fund. The highway tax
21 distribution fund must be distributed in the manner as prescribed by section 54-27-19.

22 **SECTION 8. EFFECTIVE DATE.** Section 7 of this Act is effective for special fuels excise
23 taxes collected after June 30, 2015.

24 **SECTION 9. RETROACTIVE APPLICATION.** The specialized legal services line item in
25 section 1 of this Act is retroactive in application.

26 **SECTION 10. EMERGENCY.** The specialized legal services line item in section 1 of this Act
27 is declared to be an emergency measure.