

Sixty-fourth  
Legislative Assembly  
of North Dakota

## 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 program; to amend and reenact sections 49-01-05  
3 and 57-43.2-19 of the North Dakota Century Code, relating to the salary of public service  
4 commissioners and the special fuels excise taxes distribution of funds; to authorize a transfer;  
5 to provide an effective date; to provide for retroactive application; and to declare an emergency.

6 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

7 **SECTION 1. APPROPRIATION.** The funds provided in this section, or so much of the funds  
8 as may be necessary, are appropriated out of any moneys in the general fund in the state  
9 treasury, not otherwise appropriated, and from special funds derived from federal funds and  
10 other income, to the public service commission for the purpose of defraying the expenses of  
11 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	\$1,844,104	\$10,350,808
15 Accrued leave payments	168,278	(168,278)	0
16 Operating expenses	1,895,562	328,848	2,224,410
17 Capital assets	60,665	(34,265)	26,400
18 Grants	20,000	0	20,000
19 Abandoned mined lands contractual	8,000,000	0	8,000,000
20 Rail rate complaint case	900,000	0	900,000
21 Reclamation and grain licensing litigation	150,000	(150,000)	0
22 Railroad safety program	0	972,294	972,294
23 Specialized legal services	<u>0</u>	<u>900,000</u>	<u>900,000</u>
24 Total all funds	\$19,701,209	\$3,692,703	\$23,393,912

1	Less estimated income	<u>13,033,549</u>	<u>1,944,464</u>	<u>14,978,013</u>
2	Total general fund	\$6,667,660	\$1,748,239	\$8,415,899
3	Full-time equivalent positions	44.00	6.00	50.00

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

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

8	<u>One-Time Funding Description</u>	<u>2013-15</u>	<u>2015-17</u>
9	Specialized legal services	\$750,000	\$750,000
10	Hydraulic soil probe	28,000	0
11	Retirement leave payout	<u>0</u>	<u>144,214</u>
12	Total all funds	\$778,000	\$894,214
13	Total special funds	<u>353,920</u>	<u>380,214</u>
14	Total general fund	\$424,080	\$514,000

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

19       **SECTION 3. RAILROAD SAFETY PROGRAM - RAIL SAFETY FUND.** The railroad safety  
20 program line item in section 1 of this Act includes \$972,294 from the rail safety fund, of which  
21 \$762,294 relates to salaries and wages and \$210,000 relates to operating expenses for the  
22 public service commission to establish and operate a state railroad safety program for the  
23 biennium beginning July 1, 2015, and ending June 30, 2017.

24       **SECTION 4. AMENDMENT.** Section 49-01-05 of the North Dakota Century Code is  
25 amended and reenacted as follows:

26       **49-01-05. Salary of commissioners.**

27       The annual salary of a commissioner is ~~ninety-nine thousand four hundred thirty five dollars~~  
28 ~~through June 30, 2014, and one hundred two thousand four hundred eighteen~~ one hundred five  
29 thousand four hundred ninety-one dollars through June 30, 2016, and one hundred eight  
30 thousand six hundred fifty-six dollars thereafter. All fees received or charged by any  
31 commissioner for any act or service rendered in any official capacity must be accounted for and

1 paid over by the commissioner monthly to the state treasurer and must be credited to the  
2 general fund of the state.

3 **SECTION 5. TRANSFER AND REPAYMENT - BEGINNING FARMER REVOLVING LOAN**

4 **FUND.** The Bank of North Dakota shall transfer from the beginning farmer revolving loan fund to  
5 the public service commission the sum of \$900,000, or so much of the sum as may be  
6 necessary, included in the estimated income line item in section 1 of this Act to pay for costs  
7 associated with a rail rate complaint case. Transfers must be made during the biennium  
8 beginning July 1, 2015, and ending June 30, 2017, upon order of the commission. If any  
9 amounts are spent pursuant to this section, the public service commission shall reimburse the  
10 beginning farmer revolving loan fund using amounts available from damages or proceeds  
11 received, net of legal fees, from a successful outcome of a rail complaint case.

12 **SECTION 6. AMENDMENT.** Section 57-43.2-19 of the North Dakota Century Code is  
13 amended and reenacted as follows:

14 **57-43.2-19. (Effective through June 30, 2015) Transfer, deposit, and distribution of**  
15 **funds.**

16 All taxes, license fees, penalties, and interest collected under this chapter must be  
17 transferred to the state treasurer who shall deposit moneys in a highway tax distribution fund,  
18 except all special fuels excise taxes collected on sales of diesel fuel to a railroad under section  
19 57-43.2-03 of up to two hundred fifty thousand dollars per year must be transferred to the state  
20 treasurer who shall deposit the moneys in the highway-rail grade crossing safety projects fund.  
21 The highway tax distribution fund must be distributed in the manner as prescribed by section  
22 54-27-19.

23 **(Effective after June 30, 2015) Transfer, deposit, and distribution of funds.** All taxes,  
24 license fees, penalties, and interest collected under this chapter must be transferred to the state  
25 treasurer who shall deposit moneys in a highway tax distribution fund, except all special fuels  
26 excise taxes collected on sales of diesel fuel to a railroad under section 57-43.2-03 of up to five  
27 hundred thousand dollars per year must be transferred to the state treasurer who shall deposit  
28 the moneys in the rail safety fund. The highway tax distribution fund must be distributed in the  
29 manner as prescribed by section 54-27-19.

30 **SECTION 7. EFFECTIVE DATE.** Section 6 of this Act is effective for special fuels excise  
31 taxes collected after June 30, 2015.

1       **SECTION 8. RETROACTIVE APPLICATION.** The specialized legal services line item in  
2 section 1 of this Act is retroactive in application.

3       **SECTION 9. EMERGENCY.** The specialized legal services line item in section 1 of this Act  
4 is declared to be an emergency measure.