

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

Introduced by

Appropriations Committee

1 A BILL for an Act to provide an appropriation for defraying the expenses of the public service
2 commission; to amend and reenact sections 49-01-05 and 57-43.2-19 of the North Dakota
3 Century Code, relating to the salary of the commissioners and the transfer, deposit, and
4 distribution of funds in the highway tax distribution fund; to provide for a study; to provide for a
5 report; and to provide for a transfer.

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 the
11 public service commission, for the biennium beginning July 1, 2019, and ending June 30, 2021,
12 as follows:

	<u>Base Level</u>	Adjustments or <u>Enhancements</u>	<u>Appropriation</u>
13			
14			
15	Salaries and wages	\$298,276	\$9,495,560
16	Operating expenses	(66,000)	1,763,826
17	Capital assets	15,000	25,000
18	Grants	0	20,000
19	Abandoned mined lands contractual	0	6,000,000
20	Rail rate complaint case	0	900,000
21	Railroad safety program	24,350	589,018
22	Specialized legal services	<u>336,000</u>	<u>430,000</u>
23	Total all funds	\$607,626	\$19,223,404
24	Less estimated income	<u>523,460</u>	<u>12,508,476</u>

1	Total general fund	\$6,630,762	\$84,166	\$6,714,928
2	Full-time equivalent positions	45.00	(2.00)	43.00

3 **SECTION 2. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO SIXTY-**
4 **SEVENTH LEGISLATIVE ASSEMBLY.** The following amounts reflect the one-time funding
5 items approved by the sixty-fifth legislative assembly for the 2017-19 biennium and the 2019-21
6 biennium one-time funding items included in the appropriation in section 1 of this Act:

7	<u>One-Time Funding Description</u>	<u>2017-19</u>	<u>2019-21</u>
8	Specialized legal services	\$436,000	\$336,000
9	Total all funds	\$436,000	\$336,000
10	Total special funds	<u>436,000</u>	<u>336,000</u>
11	Total general fund	\$0	\$0

12 The 2019-21 biennium one-time funding amounts are not a part of the entity's base budget
13 for the 2021-23 biennium. The public service commission shall report to the appropriations
14 committees of the sixty-seventh legislative assembly on the use of this one-time funding for the
15 biennium beginning July 1, 2019, and ending June 30, 2021.

16 **SECTION 3. TRANSFER AND REPAYMENT - BEGINNING FARMER REVOLVING LOAN**
17 **FUND.** The Bank of North Dakota shall transfer from the beginning farmer revolving loan fund to
18 the public service commission the sum of \$900,000, or so much of the sum as may be
19 necessary, included in the estimated income line item in section 1 of this Act to pay for costs
20 associated with a rail rate complaint case. Transfers must be made during the biennium
21 beginning July 1, 2019, and ending June 30, 2021, upon order of the commission. If any
22 amounts are spent pursuant to this section, the public service commission shall reimburse the
23 beginning farmer revolving loan fund using amounts available from damages or proceeds
24 received, net of legal fees, from a successful outcome of a rail complaint case.

25 **SECTION 4. APPROPRIATION - GRAIN INSOLVENCY LITIGATION.** There is
26 appropriated from special funds derived from other income to be received from the agriculture
27 commissioner, the sum of \$100,000, or so much of the sum as may be necessary, to the public
28 service commission, for the purpose of continuing to provide, in consultation with the agriculture
29 commissioner, services related to grain insolvency litigation initiated prior to July 1, 2019. The
30 funding provided in this section is considered a one-time funding item.

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

3 **49-01-05. Salary of commissioners.**

4 The annual salary of a commissioner is one hundred ~~five~~ten thousand ~~four~~eight hundred
5 ~~ninety-one~~twenty-nine dollars through June 30, ~~2016~~2020, and one hundred ~~eight~~thirteen
6 thousand six hundred ~~fifty-six~~ dollars thereafter. All fees received or charged by any
7 commissioner for any act or service rendered in any official capacity must be accounted for and
8 paid over by the commissioner monthly to the state treasurer and must be credited to the
9 general fund of the state.

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

12 **57-43.2-19. Transfer, deposit, and distribution of funds. (Effective July 1, 2015,**
13 **through June 30, ~~2019~~2021)**

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

21 **Transfer, deposit, and distribution of funds. (Effective after June 30, ~~2019~~2021)** All
22 taxes, license fees, penalties, and interest collected under this chapter must be transferred to
23 the state treasurer who shall deposit moneys in the highway tax distribution fund. The highway
24 tax distribution fund must be distributed in the manner as prescribed by section 54-27-19.

25 **SECTION 7. RAILROAD INSPECTION STUDY.** During the 2019-20 interim, the public
26 service commission shall study technology available to create efficiencies to reduce costs for
27 railroad equipment and track inspections. The commission shall report its findings and any
28 related budget recommendations to the appropriations committees of the sixty-seventh
29 legislative assembly.