

**Fifty-ninth Legislative Assembly of North Dakota  
In Regular Session Commencing Tuesday, January 4, 2005**

HOUSE BILL NO. 1008  
(Appropriations Committee)  
(At the request of the Governor)

AN ACT to provide an appropriation for defraying the expenses of the public service commission; to provide an appropriation for a rail rate complaint case; to amend and reenact section 49-01-05 of the North Dakota Century Code, relating to the salary of public service commissioners; to provide for a legislative council study; to provide an exemption to section 54-44.1-11 relating to unexpended appropriations; to provide legislative intent; and to declare an emergency.

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

**SECTION 1. BASE LEVEL FUNDING INFORMATION.** The amounts identified in this section represent the base level funding component appropriated to the public service commission in section 3 of this Act as follows:

Salaries and wages	\$4,771,497
Operating expenses	1,197,261
Capital assets	35,011
Grants	62,000
Abandoned mined lands contractual services	3,668,492
Rail rate complaint case	<u>250,000</u>
Total all funds - Base level	\$9,984,261
Less estimated income - Base level	<u>6,072,767</u>
Total general fund - Base level	\$3,911,494

**SECTION 2. FUNDING ADJUSTMENTS OR ENHANCEMENTS INFORMATION.** The amounts identified in this section represent the funding adjustments or enhancements to the base funding level for the public service commission which are included in the appropriation in section 3 of this Act as follows:

Salaries and wages	\$307,491
Operating expenses	210,892
Capital assets	53,500
Grants	(55,000)
Rail rate complaint case	<u>695,000</u>
Total all funds - Adjustments/enhancements	\$1,211,883
Less estimated income - Adjustments/enhancements	<u>848,753</u>
Total general fund - Adjustments/enhancements	\$363,130

**SECTION 3. APPROPRIATION.** The funds provided in this section, or so much of the funds as may be necessary, are appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, and from special funds derived from federal funds and other income, to the public service commission for the purpose of defraying the expenses of that agency, for the biennium beginning July 1, 2005, and ending June 30, 2007, as follows:

Salaries and wages	\$5,078,988
Operating expenses	1,408,153
Capital assets	88,511
Grants	7,000
Abandoned mined lands contractual services	3,668,492
Rail rate complaint case	<u>945,000</u>

Total all funds	\$11,196,144
Less estimated income	<u>6,921,520</u>
Total general fund appropriation	\$4,274,624

**SECTION 4. ESTIMATED INCOME - RAIL RATE COMPLAINT CASE.** The estimated income line item appropriation in section 3 of this Act includes the sum of \$945,000, or so much of the sum as may be necessary, consisting of \$800,000 from the beginning farmer revolving loan fund, \$20,000 of carryover authority from the state rail fund, and \$125,000 from other sources, including the shipper participating in the case, to pay for the costs associated with the rail rate complaint case. The commission must have written commitments for \$125,000 from other sources, including the shipper participating in the case, before spending any moneys from the beginning farmer revolving loan fund.

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

**49-01-05. Salary of commissioners.** The annual salary of a commissioner is ~~sixty-six thousand five hundred nine dollars through December 31, 2001, sixty-eight thousand five hundred four~~ seventy-one thousand five hundred ~~four~~ seventy dollars through June 30, ~~2002~~ 2006, and ~~sixty-nine thousand eight hundred seventy-four~~ seventy-four forty-nine dollars thereafter. All fees received or charged by any commissioner for any act or service rendered in any official capacity must be accounted for and paid over by the commissioner monthly to the state treasurer and must be credited to the general fund of the state.

**SECTION 6. EXEMPTION.** The amount appropriated for the rail rate complaint case, as contained in section 1 of chapter 29 of the 2003 Session Laws, is not subject to the provision of section 54-44.1-11. Any unexpended funds from the rail rate complaint case line item are available for continued use for expenditures relating to the rail rate complaint case.

**SECTION 7. LEGISLATIVE COUNCIL STUDY - PUBLIC SERVICE COMMISSION DUTIES AND RESPONSIBILITIES.** The legislative council shall consider studying, during the 2005-06 interim, the changes in responsibilities and duties of the public service commission since its inception. The study should include an evaluation of what additional duties have been given to the commission and those duties no longer performed. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixtieth legislative assembly.

**SECTION 8. REPAYMENT OF FUNDING.** The public service commission shall reimburse the beginning farmer revolving loan fund for any amounts available from damages or proceeds received net of legal fees from a successful outcome of the rail rate complaint case.

**SECTION 9. NORTH DAKOTA RAIL SYSTEM - LEGISLATIVE INTENT.** It is the intent of the legislative assembly that a well-maintained, efficient, and fairly priced railroad transportation system in North Dakota is critical to the future of the North Dakota agriculture sector and the use of funds from the beginning farmer revolving loan fund for the rail rate complaint case will assist in achieving that objective.

**SECTION 10. COMMISSION HEARING ROOM - LEGISLATIVE INTENT.** It is the intent of the legislative assembly that the public service commission hearing room be available for use by other state agencies and by the legislative assembly during the regular session when not being used for commission business.

**SECTION 11. EMERGENCY.** The rail rate complaint case line item in section 3 of this Act is declared to be an emergency measure.

\_\_\_\_\_  
Speaker of the House

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Chief Clerk of the House

\_\_\_\_\_  
Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Fifty-ninth Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1008 and that two-thirds of the members-elect of the House of Representatives voted in favor of said law.

Vote:      Yeas        76            Nays        14            Absent      4

\_\_\_\_\_  
Speaker of the House

\_\_\_\_\_  
Chief Clerk of the House

This certifies that two-thirds of the members-elect of the Senate voted in favor of said law.

Vote:      Yeas        45            Nays        0            Absent      2

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Secretary of the Senate

Received by the Governor at \_\_\_\_\_ M. on \_\_\_\_\_, 2005.

Approved at \_\_\_\_\_ M. on \_\_\_\_\_, 2005.

\_\_\_\_\_  
Governor

Filed in this office this \_\_\_\_\_ day of \_\_\_\_\_, 2005,

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Secretary of State