

Fifty-ninth
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1008

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 an appropriation for a rail rate complaint case; to amend and reenact
3 section 49-01-05 of the North Dakota Century Code, relating to the salary of public service
4 commissioners; to provide for a legislative council study; to provide a statement of legislative
5 intent; and to declare an emergency.

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

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

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

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

23	Salaries and wages	\$312,608
24	Operating expenses	210,892

1	Capital assets	23,500
2	Grants	(55,000)
3	Rail rate complaint case	<u>950,000</u>
4	Total all funds - Adjustments/enhancements	\$1,442,000
5	Less estimated income - Adjustments/enhancements	<u>1,105,516</u>
6	Total general fund - Adjustments/enhancements	\$336,484

7 **SECTION 3. APPROPRIATION.** The funds provided in this section, or so much of the
8 funds 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, 2005, and ending June 30, 2007, as follows:

12	Salaries and wages	\$5,084,105
13	Operating expenses	1,408,153
14	Capital assets	58,511
15	Grants	7,000
16	Abandoned mined lands contractual services	3,668,492
17	Rail rate complaint case	<u>1,200,000</u>
18	Total all funds	\$11,426,261
19	Less estimated income	<u>7,178,283</u>
20	Total general fund appropriation	\$4,247,978

21 **SECTION 4. ESTIMATED INCOME - RAIL RATE COMPLAINT CASE.** The estimated
22 income line item appropriation in section 3 of this Act includes the sum of \$1,200,000, or so
23 much of the sum as may be necessary, from the beginning farmer revolving loan fund to pay for
24 the costs associated with the rail rate complaint case.

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

27 **49-01-05. Salary of commissioners.** The annual salary of a commissioner is ~~sixty-six~~
28 ~~thousand five hundred nine dollars through December 31, 2001, sixty-eight~~ seventy-one
29 ~~thousand five~~ nine hundred ~~four~~ seventy dollars through June 30, ~~2002~~ 2006, and ~~sixty-nine~~
30 seventy-four thousand eight hundred ~~seventy-four~~ forty-nine dollars thereafter. All fees
31 received or charged by any commissioner for any act or service rendered in any official

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

3 **SECTION 6. LEGISLATIVE COUNCIL STUDY - PUBLIC SERVICE COMMISSION**

4 **FEES AND SERVICES.** The legislative council shall study during the 2005-06 interim the
5 feasibility and desirability of funding the public service commission entirely from special fund
6 revenue sources. The legislative council shall report its findings and recommendations,
7 together with any legislation required to implement the recommendations, to the sixtieth
8 legislative assembly.

9 **SECTION 7. REPAYMENT OF FUNDING.** The public service commission shall
10 reimburse the beginning farmer revolving loan fund for any amounts available from damages or
11 proceeds received net of legal fees from a successful outcome of the rail rate complaint case.

12 **SECTION 8. NORTH DAKOTA RAIL SYSTEM - LEGISLATIVE INTENT.** It is the
13 intent of the legislative assembly that a well-maintained, efficient, and fairly priced railroad
14 transportation system in North Dakota is critical to the future of the North Dakota agriculture
15 sector and the use of funds from the beginning farmer revolving loan fund for the rail rate
16 complaint case will assist in achieving that objective.

17 **SECTION 9. EMERGENCY.** The rail rate complaint case line item in section 3 of this
18 Act is declared to be an emergency measure.