

**FIRST ENGROSSMENT  
with Senate Amendments**  
**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	\$307,491
24 Operating expenses	210,892

Fifty-ninth  
Legislative Assembly

1	Capital assets	53,500
2	Grants	(55,000)
3	Rail rate complaint case	<u>720,000</u>
4	Total all funds - Adjustments/enhancements	\$1,236,883
5	Less estimated income - Adjustments/enhancements	<u>873,753</u>
6	Total general fund - Adjustments/enhancements	\$363,130

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	\$5,078,988
13	Operating expenses	1,408,153
14	Capital assets	88,511
15	Grants	7,000
16	Abandoned mined lands contractual services	3,668,492
17	Rail rate complaint case	<u>970,000</u>
18	Total all funds	\$11,221,144
19	Less estimated income	<u>6,946,520</u>
20	Total general fund appropriation	\$4,274,624

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 \$970,000, or so much  
23 of the sum as may be necessary, consisting of \$800,000 from the beginning farmer revolving  
24 loan fund and \$170,000 from other sources to pay for the costs associated with the rail rate  
25 complaint case. The commission must have written commitments for the \$170,000 from other  
26 sources before spending any moneys from the beginning farmer revolving loan fund.

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

29           **49-01-05. Salary of commissioners.** The annual salary of a commissioner is ~~sixty-six~~  
30 ~~thousand five hundred nine dollars through December 31, 2001, sixty-eight~~ seventy-one  
31 thousand five nine hundred four seventy dollars through June 30, ~~2002~~ 2006, and ~~sixty-nine~~

1 ~~seventy-four~~ thousand eight hundred ~~seventy-four~~ forty-nine dollars thereafter. All fees  
2 received or charged by any commissioner for any act or service rendered in any official  
3 capacity must be accounted for and paid over by the commissioner monthly to the state  
4 treasurer and must be credited to the general fund of the state.

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

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

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

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

19 **SECTION 9. COMMISSION HEARING ROOM - LEGISLATIVE INTENT.** It is the  
20 intent of the legislative assembly that the public service commission hearing room be available  
21 for use by other state agencies and by the legislative assembly during the regular session when  
22 not being used for commission business.

23 **SECTION 10. EMERGENCY.** The rail rate complaint case line item in section 3 of this  
24 Act is declared to be an emergency measure.