

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

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

8 **SECTION 1. APPROPRIATION.** The funds provided in this section, or so much of the funds  
 9 as may be necessary, are appropriated out of any moneys in the general fund in the state  
 10 treasury, not otherwise appropriated, and from special funds derived from federal funds and  
 11 other income, to the public service commission for the purpose of defraying the expenses of  
 12 that agency, for the biennium beginning July 1, 2015, and ending June 30, 2017, as follows:

	Base Level	Adjustments or Enhancements	Appropriation
15 <del>Salaries and wages</del>	<del>\$8,506,704</del>	<del>\$3,414,670</del>	<del>\$11,921,374</del>
16 <del>Accrued leave payments</del>	<del>168,278</del>	<del>(168,278)</del>	<del>0</del>
17 <del>Operating expenses</del>	<del>1,895,562</del>	<del>829,312</del>	<del>2,724,874</del>
18 <del>Capital assets</del>	<del>60,665</del>	<del>(34,265)</del>	<del>26,400</del>
19 <del>Grants</del>	<del>20,000</del>	<del>0</del>	<del>20,000</del>
20 <del>Abandoned mined lands contractual</del>	<del>8,000,000</del>	<del>0</del>	<del>8,000,000</del>
21 <del>Rail rate complaint case</del>	<del>900,000</del>	<del>0</del>	<del>900,000</del>
22 <del>Reclamation and grain licensing litigation</del>	<del>150,000</del>	<del>750,000</del>	<del>900,000</del>
23 <del>Total all funds</del>	<del>\$19,701,209</del>	<del>\$4,791,439</del>	<del>\$24,492,648</del>
24 <del>Less estimated income</del>	<del>13,033,549</del>	<del>1,526,889</del>	<del>14,560,438</del>

Sixty-fourth  
Legislative Assembly

1	Total general fund	\$6,667,660	\$3,264,550	\$9,932,210
2	Full-time equivalent positions	44.00	9.00	53.00
3	Salaries and wages	\$8,506,704	\$1,844,104	\$10,350,808
4	Accrued leave payments	168,278	(168,278)	0
5	Operating expenses	1,895,562	328,848	2,224,410
6	Capital assets	60,665	(34,265)	26,400
7	Grants	20,000	0	20,000
8	Abandoned mined lands contractual	8,000,000	0	8,000,000
9	Rail rate complaint case	900,000	0	900,000
10	Reclamation and grain licensing litigation	150,000	(150,000)	0
11	Railroad safety program	0	972,294	972,294
12	Specialized legal services	0	900,000	900,000
13	Total all funds	\$19,701,209	\$3,692,703	\$23,393,912
14	Less estimated income	13,033,549	1,944,464	14,978,013
15	Total general fund	\$6,667,660	\$1,748,239	\$8,415,899
16	Full-time equivalent positions	44.00	6.00	50.00

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

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

21	<u>One-Time Funding Description</u>	<u>2013-15</u>	<u>2015-17</u>
22	Reclamation and grain licensing litigation	\$750,000	\$750,000
23	Hydraulic soil probe	28,000	0
24	Retirement leave payout	0	144,214
25	Total all funds	\$778,000	\$894,214
26	Total special funds	353,920	380,214
27	Total general fund	\$424,080	\$514,000
28	Specialized legal services	\$750,000	\$750,000
29	Hydraulic soil probe	28,000	0
30	Retirement leave payout	0	144,214
31	Total all funds	\$778,000	\$894,214

1	<u>Total special funds</u>	<u>353,920</u>	<u>380,214</u>
2	<u>Total general fund</u>	<u>\$424,080</u>	<u>\$514,000</u>

3 The 2015-17 one-time funding amounts are not a part of the entity's base budget for the  
4 2017-19 biennium. The public service commission shall report to the appropriations committees  
5 of the sixty-fifth legislative assembly on the use of this one-time funding for the biennium  
6 beginning July 1, 2015, and ending June 30, 2017.

7 **SECTION 3. RAILROAD SAFETY PROGRAM - RAIL SAFETY FUND.** The railroad safety  
8 program line item in section 1 of this Act includes \$972,294 from the rail safety fund, of which  
9 \$762,294 relates to salaries and wages and \$210,000 relates to operating expenses for the  
10 public service commission to establish and operate a state railroad safety program for the  
11 biennium beginning July 1, 2015, and ending June 30, 2017.

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

14 **49-01-05. Salary of commissioners.**

15 The annual salary of a commissioner is ~~ninety-nine thousand four hundred thirty-five dollars~~  
16 ~~through June 30, 2014, and one hundred two thousand four hundred eighteen~~ one hundred  
17 six five thousand five hundred fifteen ~~four hundred ninety-one~~ four hundred ninety-one dollars through June 30, 2016, and  
18 one hundred ~~teneight thousand seven hundred seventy-fivesix hundred fifty-six~~ eight thousand seven hundred seventy-six dollars  
19 thereafter. All fees received or charged by any commissioner for any act or service rendered in  
20 any official capacity must be accounted for and paid over by the commissioner monthly to the  
21 state treasurer and must be credited to the general fund of the state.

22 **SECTION 5. TRANSFER AND REPAYMENT - BEGINNING FARMER REVOLVING LOAN**  
23 **FUND.** The Bank of North Dakota shall transfer from the beginning farmer revolving loan fund to  
24 the public service commission the sum of \$900,000, or so much of the sum as may be  
25 necessary, included in the estimated income line item in section 1 of this Act to pay for costs  
26 associated with a rail rate complaint case. Transfers must be made during the biennium  
27 beginning July 1, 2015, and ending June 30, 2017, upon order of the commission. If any  
28 amounts are spent pursuant to this section, the public service commission shall reimburse the  
29 beginning farmer revolving loan fund using amounts available from damages or proceeds  
30 received, net of legal fees, from a successful outcome of a rail complaint case.

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

3       **57-43.2-19. (Effective through June 30, 2015) Transfer, deposit, and distribution of**  
4 **funds.**

5       All taxes, license fees, penalties, and interest collected under this chapter must be  
6 transferred to the state treasurer who shall deposit moneys in a highway tax distribution fund,  
7 except all special fuels excise taxes collected on sales of diesel fuel to a railroad under section  
8 57-43.2-03 of up to two hundred fifty thousand dollars per year must be transferred to the state  
9 treasurer who shall deposit the moneys in the highway-rail grade crossing safety projects fund.  
10 The highway tax distribution fund must be distributed in the manner as prescribed by section  
11 54-27-19.

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

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

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

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