

Sixty-fourth
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2008

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 ~~sections~~section
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;~~ to authorize a
5 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:

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
15 Salaries and wages	\$8,506,704	\$1,844,104	\$10,350,808
16 Accrued leave payments	168,278	(168,278)	0
17 Operating expenses	1,895,562	328,848	2,224,410
18 Capital assets	60,665	(34,265)	26,400
19 Grants	20,000	0	20,000
20 Abandoned mined lands contractual	8,000,000	0	8,000,000
21 Rail rate complaint case	900,000	0	900,000
22 Reclamation and grain licensing litigation	150,000	(150,000)	0
23 Railroad safety program	0	972,294	972,294
24 Specialized legal services	0	900,000	900,000

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1	Total all funds	\$19,701,209	\$3,692,703	\$23,393,912
2	Less estimated income	13,033,549	1,944,464	14,978,013
3	Total general fund	\$6,667,660	\$1,748,239	\$8,415,899
4	Full-time equivalent positions	44.00	6.00	50.00
5	Salaries and wages	\$8,506,704	\$1,183,771	\$9,690,475
6	Accrued leave payments	168,278	(168,278)	0
7	Operating expenses	1,895,562	80,000	1,975,562
8	Capital assets	60,665	(34,265)	26,400
9	Grants	20,000	0	20,000
10	Abandoned mined lands contractual	8,000,000	0	8,000,000
11	Rail rate complaint case	900,000	0	900,000
12	Reclamation and grain licensing litigation	150,000	(150,000)	0
13	Specialized legal services	0	900,000	900,000
14	Total all funds	\$19,701,209	\$1,811,228	\$21,512,437
15	Less estimated income	13,033,549	743,681	13,777,230
16	Total general fund	\$6,667,660	\$1,067,547	\$7,735,207
17	Full-time equivalent positions	44.00	1.00	45.00

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:

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

1	<u>Total special funds</u>	<u>353,920</u>	<u>336,000</u>
2	<u>Total general fund</u>	<u>\$424,080</u>	<u>\$414,000</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 3. 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 five
17 thousand four hundred ninety-one dollars through June 30, 2016, and one hundred eight
18 thousand six hundred fifty-six dollars thereafter. All fees received or charged by any
19 commissioner for any act or service rendered in any official capacity must be accounted for and
20 paid over by the commissioner monthly to the state treasurer and must be credited to the
21 general fund of the state.

22 **SECTION 4. 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 5. RETROACTIVE APPLICATION.** The specialized legal services line item in
22 section 1 of this Act is retroactive in application.

23 **SECTION 6. EMERGENCY.** The specialized legal services line item in section 1 of this Act
24 is declared to be an emergency measure.