

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2008

That the House recede from its amendments as printed on pages 1438-1440 of the Senate Journal and pages 1580-1583 of the House Journal and that Engrossed Senate Bill No. 2008 be amended as follows:

Page 1, line 2, after "safety" insert "pilot"

Page 1, line 2, after the second semicolon insert "to provide for a railroad training program;"

Page 1, line 4, after the first semicolon insert "to provide a statement of legislative intent;"

Page 1, remove lines 14 through 24

Page 2, replace lines 1 through 3 with:

"Salaries and wages	\$8,506,704	\$1,183,771	\$9,690,475
Accrued leave payments	168,278	(168,278)	0
Operating expenses	1,895,562	80,000	1,975,562
Capital assets	60,665	(34,265)	26,400
Grants	20,000	0	20,000
Abandoned mined lands contractual	8,000,000	0	8,000,000
Rail rate complaint case	900,000	0	900,000
Reclamation and grain licensing litigation	150,000	(150,000)	0
Railroad safety program	0	523,345	523,345
Specialized legal services	0	900,000	900,000
Weights and measures temp employee	0	200,000	200,000
Total all funds	\$19,701,209	\$2,534,573	\$22,235,782
Less estimated income	<u>13,033,549</u>	<u>1,267,026</u>	<u>14,300,575</u>
Total general fund	\$6,667,660	\$1,267,547	\$7,935,207
Full-time equivalent positions	44.00	2.00	46.00"

Page 2, replace lines 9 through 14 with:

"Specialized legal services	\$750,000	\$750,000
Hydraulic soil probe	<u>28,000</u>	<u>0</u>
Total all funds	\$778,000	\$750,000
Total special funds	<u>353,920</u>	<u>336,000</u>
Total general fund	\$424,080	\$414,000"

Page 2, line 19, after "**SAFETY**" insert "**PILOT**"

Page 2, line 19, after "**FUND**" insert "**- LEGISLATIVE INTENT**"

Page 2, line 20, replace "\$972,294" with "\$523,345"

Page 2, line 21, replace "\$762,294" with "\$253,345"

Page 2, line 21, replace "and \$210,000" with "\$70,000"

Page 2, line 21, after "expenses" insert ", and \$200,000 relates to a railroad safety pilot program temporary employee"

Page 2, line 22, after "safety" insert "pilot"

Page 2, line 23, after the period insert "It is the intent of the sixty-fourth legislative assembly that the railroad safety pilot program continue through the 2017-19 biennium.

SECTION 4.

Railroad training program.

All railroads shall make training available to all fire departments having jurisdiction along routes traversed by unit oil trains. Training must be made available by June 30, 2016, with refresher training made available at least every three years thereafter. Training must address the general hazards of oil and hazardous substances, techniques to assess hazards to the environment and to the safety of responders and the public, factors an incident commander must consider in determining whether to attempt to suppress a fire or to evacuate the public and emergency responders from the area, and other strategies for initial response by local emergency responders. Training must include suggested protocol or practices for local responders to safely accomplish these tasks."

Page 3, line 23, overstrike "**after June 30**" and insert immediately thereafter "**July 1**"

Page 3, line 23, after "**2015**" insert "**, through June 30, 2019**"

Page 3, line 26, replace "five" with "two"

Page 3, line 27, after "hundred" insert "seventy-five"

Page 3, after line 29, insert:

"(Effective after June 30, 2019) Transfer, deposit, and distribution of funds.
All taxes, license fees, penalties, and interest collected under this chapter must be transferred to the state treasurer who shall deposit moneys in the highway tax distribution fund. The highway tax distribution fund must be distributed in the manner as prescribed by section 54-27-19."

Page 3, line 30, replace "6" with "7"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2008 - Public Service Commission - Conference Committee Action

	Base Budget	Senate Version	Conference Committee Changes	Conference Committee Version	House Version	Comparison to House
Salaries and wages	\$8,506,704	\$10,350,808	(\$660,333)	\$9,690,475	\$9,690,475	
Operating expenses	1,895,562	2,224,410	(248,848)	1,975,562	1,975,562	
Capital assets	60,665	26,400		26,400	26,400	
Grants	20,000	20,000		20,000	20,000	
Abandoned mined lands contractual	8,000,000	8,000,000		8,000,000	8,000,000	
Rail rate complaint case	900,000	900,000		900,000	900,000	
Reclamation & grain licensing litigation	150,000					
Accrued leave payments	168,278					
Railroad safety program		972,294	(448,949)	523,345		523,345
Specialized legal services		900,000		900,000	900,000	
Weights and measures temporary position			200,000	200,000		200,000
Total all funds	\$19,701,209	\$23,393,912	(\$1,158,130)	\$22,235,782	\$21,512,437	\$723,345
Less estimated income	13,033,549	14,978,013	(677,438)	14,300,575	13,777,230	523,345
	\$6,667,660	\$8,415,899	(\$480,692)	\$7,935,207	\$7,735,207	\$200,000

General fund						
FTE	44.00	50.00	(4.00)	46.00	45.00	1.00

Department No. 408 - Public Service Commission - Detail of Conference Committee Changes

	Adjusts Funding for Health Insurance Premium Increases ¹	Removes Funding for New Weights and Measures Inspector ²	Adds Funding for New Temporary Weights and Measures Inspector ³	Removes Funding for New Natural Gas Pipeline Inspector ⁴	Changes Funding for New Railroad Safety Pilot Program ⁵	Removes Funding for Travel Expense ⁶
Salaries and wages	(\$43,257)	(\$204,651)		(\$268,211)		
Operating expenses		(116,232)		(82,616)		(50,000)
Capital assets						
Grants						
Abandoned mined lands contractual						
Rail rate complaint case						
Reclamation & grain licensing litigation						
Accrued leave payments						
Railroad safety program					(448,949)	
Specialized legal services						
Weights and measures temporary position			200,000			
Total all funds	(\$43,257)	(\$320,883)	\$200,000	(\$350,827)	(\$448,949)	(\$50,000)
Less estimated income	(8,861)	0	0	(175,414)	(448,949)	0
General fund	(\$34,396)	(\$320,883)	\$200,000	(\$175,413)	\$0	(\$50,000)
FTE	0.00	(1.00)	0.00	(1.00)	(2.00)	0.00

	Removes One- Time Funding for Accrued Leave Payout ⁷	Total Conference Committee Changes
Salaries and wages	(\$144,214)	(\$660,333)
Operating expenses		(248,848)
Capital assets		
Grants		
Abandoned mined lands contractual		
Rail rate complaint case		
Reclamation & grain licensing litigation		
Accrued leave payments		
Railroad safety program		(448,949)
Specialized legal services		
Weights and measures temporary position		200,000
Total all funds	(\$144,214)	(\$1,158,130)
Less estimated income	(44,214)	(677,438)
General fund	(\$100,000)	(\$480,692)
FTE	0.00	(4.00)

¹ Funding for employee health insurance premiums is adjusted to reflect the revised premium estimate of \$1,130.22 per month.

² Funding is removed from the general fund for a new weights and measures inspector FTE position (\$196,803) and related salary increase (\$7,848) and operating expenses (\$116,232), the same as the

House version.

³ Funding is added from the general fund for salaries and wages and related operating expenses of a temporary employee for the weights and measures program. This item was not included in the Senate or House version.

⁴ Funding is removed from the general fund and other funds for a new natural gas pipeline inspector FTE position (\$257,747) and related salary increase (\$10,464) and operating expenses (\$82,616), the same as the House version.

⁵ Funding provided for the railroad safety pilot program includes a total of \$523,345 from the rail safety fund, of which \$253,345 is for 1 rail inspector FTE position, \$70,000 for related operating expenses, and \$200,000 for a temporary railroad safety pilot program employee. The conference committee adjusted funding for a new state railroad safety pilot program as follows:

	FTE	General Fund	Other Funds	Total
New railroad safety inspectors	(2.00)		(\$508,949)	(\$508,949)
Operating and other costs			(140,000)	(140,000)
Temporary employee			200,000	200,000
Total	(2.00)	\$0	(\$448,949)	(\$448,949)

⁶ Funding for travel expense is reduced from \$1,400,525 to \$1,350,525, the same as the House version.

⁷ One-time funding is removed for accrued leave payouts, the same as the House version.

This amendment also:

- Changes Section 3 of the bill, which designates funding for the railroad safety pilot program to fund salaries and operating costs for 1 FTE position and funding for a railroad safety pilot program temporary employee. The Senate version provided salary and operating costs for 3 FTE positions and the House version removed this section.
- Changes Section 6 of the bill, which creates the rail safety fund and amends North Dakota Century Code Section 57-43.2-19 regarding the allocation of special fuels excise taxes collected on sales of diesel fuel to a railroad reducing the annual deposit from \$500,000 to \$275,000 and sunseting the provisions on June 30, 2019. The Senate version provided \$500,000 annually with no sunset and the House removed this section.
- Adds a section to require railroads to provide a training program to fire departments having jurisdiction along routes traversed by unit oil trains. This section was not included in the Senate or House version.