

Sixty-ninth
Legislative Assembly
of North Dakota

FIRST ENGROSSMENT

ENGROSSED HOUSE BILL NO. 1008

Introduced by

Appropriations Committee

1 A BILL for an Act to provide an appropriation for defraying the expenses of the public service
2 commission; to amend and reenact sections 49-01-05 and 57-43.2-19 of the North Dakota
3 Century Code, relating to the salaries of the public service commissioners and deposits of
4 special fuels excise taxes; and to provide loan authorization.

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

6 **SECTION 1. APPROPRIATION.** The funds provided in this section, or so much of the funds
7 as may be necessary, are appropriated out of any moneys in the general fund in the state
8 treasury, not otherwise appropriated, and from other funds derived from special funds and
9 federal funds, to the public service commission for the purpose of defraying the expenses of the
10 public service commission, for the biennium beginning July 1, 2025, and ending June 30, 2027,
11 as follows:

		Adjustments or	
	<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>
14 Salaries and wages	\$11,026,304	\$1,108,083	\$12,134,387
15 New and vacant FTE pool	0	265,735	265,735
16 Operating expenses	2,205,487	417,167	2,622,654
17 Capital assets	25,000	205,000	230,000
18 Grants	20,000	0	20,000
19 Abandoned mined lands contractual	6,000,000	0	6,000,000
20 services			
21 Rail rate complaint case	900,000	0	900,000
22 Railroad safety program	672,206	41,024	713,230

1	Specialized legal services	<u>420,000</u>	<u>(19,834)</u>	<u>400,166</u>
2	Total all funds	\$21,268,997	\$2,017,175	\$23,286,172
3	Less other funds	<u>13,779,645</u>	<u>454,823</u>	<u>14,234,468</u>
4	Total general fund	\$7,489,352	\$1,562,352	\$9,051,704
5	Full-time equivalent positions	45.00	0.00	45.00

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

7 **SEVENTIETH LEGISLATIVE ASSEMBLY.** The following amounts reflect the one-time funding
8 items included in the appropriation in section 1 of this Act which are not included in the entity's
9 base budget for the 2027-29 biennium and which the entity shall report to the appropriations
10 committees of the seventieth legislative assembly regarding the use of this funding:

11	<u>One-Time Funding Description</u>	<u>General Fund</u>	<u>Other Funds</u>	<u>Total</u>
12	Drone imaging technology	\$5,580	\$149,420	\$155,000
13	Federal intervention funding	<u>250,000</u>	<u>0</u>	<u>250,000</u>
14	Total	\$255,580	\$149,420	\$405,000

15 **SECTION 3. NEW AND VACANT FTE POOL - LIMITATION - TRANSFER REQUEST.** The
16 public service commission may not spend funds appropriated in the new and vacant FTE pool
17 line item in section 1 of this Act, but may request the office of management and budget to
18 transfer funds from the new and vacant FTE pool line item to the salaries and wages and
19 railroad safety program line items in accordance with the guidelines and reporting provisions
20 included in House Bill No. 1015, as approved by the sixty-ninth legislative assembly.

21 **SECTION 4. RAIL RATE COMPLAINT CASE - LOAN AUTHORIZATION.** The public
22 service commission may obtain a loan from the Bank of North Dakota for costs associated with
23 a rail rate complaint case. The loan may not exceed \$900,000, and the interest rate associated
24 with the loan must be the prevailing interest rate charged to North Dakota governmental
25 entities. The public service commission shall repay the loan from amounts available from
26 damages or proceeds received, net of legal fees, from a successful outcome of a rail complaint
27 case. If moneys anticipated to be available on June 30, 2027, are not sufficient to repay the
28 loan, the public service commission may request a deficiency appropriation from the legislative
29 assembly to repay the loan.

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

1 **49-01-05. Salary of commissioners.**

2 The annual salary of a commissioner is ~~one hundred thirty thousand dollars through~~
3 ~~June 30, 2024, and one hundred thirty-five thousand two hundred~~one hundred thirty-nine
4 thousand two hundred fifty-six dollars through June 30, 2026, and one hundred forty-three
5 thousand four hundred thirty-four dollars thereafter. All fees received or charged by any
6 commissioner for any act or service rendered in any official capacity must be accounted for and
7 paid over by the commissioner monthly to the state treasurer and must be credited to the
8 general fund of the state.

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

11 **57-43.2-19. Transfer, deposit, and distribution of funds.**

12 All taxes, license fees, penalties, and interest collected under this chapter must be
13 transferred to the state treasurer who shall deposit moneys in a highway tax distribution fund,
14 except all special fuels excise taxes collected on sales of diesel fuel to a railroad under section
15 57-43.2-03 of up to ~~three hundred thirty-two thousand three hundred twenty-seven~~three
16 hundred fifty-two thousand eight hundred ninety-two dollars per year must be transferred to the
17 state treasurer who shall deposit the moneys in the rail safety fund. The highway tax distribution
18 fund must be distributed in the manner as prescribed by section 54-27-19.