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Title.
Fiscal No. 1

Prepared by the Legislative Council
staff for Senate Appropriations -
Government Operations Division
Committee

March 26, 2025

Sixty-ninth
Legislative Assembly
of North Dakota

**PROPOSED AMENDMENTS TO
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 <u>Salaries and wages</u>	<u>\$11,026,304</u>	<u>\$1,148,083</u>	<u>\$12,174,387</u>
16 New and vacant FTE pool	0	265,735	265,735
17 Operating expenses	2,205,487	417,167	2,622,654
18 <u>Operating expenses</u>	<u>2,205,487</u>	<u>547,167</u>	<u>2,752,654</u>
19 Capital assets	25,000	205,000	230,000

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1	Grants	20,000	0	20,000
2	Abandoned mined lands contractual	6,000,000	0	6,000,000
3	services			
4	Rail rate complaint case	900,000	0	900,000
5	Railroad safety program	672,206	41,024	713,230
6	Specialized legal services	420,000	(19,834)	400,166
7	Total all funds	\$21,268,997	\$2,017,175	\$23,286,172
8	Total all funds	\$21,268,997	\$2,187,175	\$23,456,172
9	Less other funds	13,779,645	454,823	14,234,468
10	Total general fund	\$7,489,352	\$1,562,352	\$9,051,704
11	Total general fund	\$7,489,352	\$1,732,352	\$9,221,704
12	Full-time equivalent positions	45.00	0.00	45.00

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

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

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

SECTION 3. NEW AND VACANT FTE POOL - LIMITATION - TRANSFER REQUEST. The

public service commission may not spend funds appropriated in the new and vacant FTE pool line item in section 1 of this Act, but may request the office of management and budget to transfer funds from the new and vacant FTE pool line item to the salaries and wages and railroad safety program line items in accordance with the guidelines and reporting provisions included in House Bill No. 1015, as approved by the sixty-ninth legislative assembly.

SECTION 4. RAIL RATE COMPLAINT CASE - LOAN AUTHORIZATION. The public

service commission may obtain a loan from the Bank of North Dakota for costs associated with a rail rate complaint case. The loan may not exceed \$900,000, and the interest rate associated with the loan must be the prevailing interest rate charged to North Dakota governmental

1 entities. The public service commission shall repay the loan from amounts available from
2 damages or proceeds received, net of legal fees, from a successful outcome of a rail complaint
3 case. If moneys anticipated to be available on June 30, 2027, are not sufficient to repay the
4 loan, the public service commission may request a deficiency appropriation from the legislative
5 assembly to repay the loan.

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

8 **49-01-05. Salary of commissioners.**

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

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

18 **57-43.2-19. Transfer, deposit, and distribution of funds.**

19 All taxes, license fees, penalties, and interest collected under this chapter must be
20 transferred to the state treasurer who shall deposit moneys in a highway tax distribution fund,
21 except all special fuels excise taxes collected on sales of diesel fuel to a railroad under section
22 57-43.2-03 of up to ~~three hundred thirty-two thousand three hundred twenty-seven~~
23 ~~three hundred fifty-two thousand eight hundred ninety-two~~ dollars per year must be transferred to the
24 state treasurer who shall deposit the moneys in the rail safety fund. The highway tax distribution
25 fund must be distributed in the manner as prescribed by section 54-27-19.

STATEMENT OF PURPOSE OF AMENDMENT:**House Bill No. 1008 - Public Service Commission - Senate Action**

	Base Budget	House Version	Senate Changes	Senate Version
Salaries and wages	\$11,026,304	\$12,134,387	\$40,000	\$12,174,387
New and vacant FTE pool		265,735		265,735
Operating expenses	2,205,487	2,622,654	130,000	2,752,654
Capital assets	25,000	230,000		230,000
Grants	20,000	20,000		20,000
Abandoned mined lands contractual	6,000,000	6,000,000		6,000,000
Rail rate complaint case	900,000	900,000		900,000
Railroad safety program	672,206	713,230		713,230
Specialized legal services	420,000	400,166		400,166
Total all funds	\$21,268,997	\$23,286,172	\$170,000	\$23,456,172
Less estimated income	13,779,645	14,234,468	0	14,234,468
General fund	\$7,489,352	\$9,051,704	\$170,000	\$9,221,704
FTE	45.00	45.00	0.00	45.00

Department 408 - Public Service Commission - Detail of Senate Changes

	Adds Salary Equity Funding ¹	Adds Funding for Professional Development ²	Increases Federal Intervention Funding ³	Total Senate Changes
Salaries and wages	\$40,000			\$40,000
New and vacant FTE pool				
Operating expenses		\$25,000	\$105,000	130,000
Capital assets				
Grants				
Abandoned mined lands contractual				
Rail rate complaint case				
Railroad safety program				
Specialized legal services				
Total all funds	\$40,000	\$25,000	\$105,000	\$170,000
Less estimated income	0	0	0	0
General fund	\$40,000	\$25,000	\$105,000	\$170,000
FTE	0.00	0.00	0.00	0.00

¹ Funding is added for salary equity.² Funding is provided for staff professional development.³ Ongoing funding is added for federal intervention funding to provide a total funding of \$475,000, of which \$225,000 is ongoing funding and \$250,000 is one-time funding.