

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

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

7 **SECTION 1. APPROPRIATION.** The funds provided in this section, or so much of the funds  
8 as may be necessary, are appropriated out of any moneys in the general fund in the state  
9 treasury, not otherwise appropriated, and from special funds derived from federal funds and  
10 other income, to the public service commission for the purpose of defraying the expenses of  
11 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>
14 <del>Salaries and wages</del>	<del>\$8,506,704</del>	<del>\$1,844,104</del>	<del>\$10,350,808</del>
15 <del>Accrued leave payments</del>	<del>168,278</del>	<del>(168,278)</del>	<del>0</del>
16 <del>Operating expenses</del>	<del>1,895,562</del>	<del>328,848</del>	<del>2,224,410</del>
17 <del>Capital assets</del>	<del>60,665</del>	<del>(34,265)</del>	<del>26,400</del>
18 <del>Grants</del>	<del>20,000</del>	<del>0</del>	<del>20,000</del>
19 <del>Abandoned mined lands contractual</del>	<del>8,000,000</del>	<del>0</del>	<del>8,000,000</del>
20 <del>Rail rate complaint case</del>	<del>900,000</del>	<del>0</del>	<del>900,000</del>
21 <del>Reclamation and grain licensing litigation</del>	<del>150,000</del>	<del>(150,000)</del>	<del>0</del>
22 <del>Railroad safety program</del>	<del>0</del>	<del>972,294</del>	<del>972,294</del>
23 <del>Specialized legal services</del>	<del>0</del>	<del>900,000</del>	<del>900,000</del>
24 <del>Total all funds</del>	<del>\$19,701,209</del>	<del>\$3,692,703</del>	<del>\$23,393,912</del>

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1	<del>Less estimated income</del>	<del>13,033,549</del>	<del>1,944,464</del>	<del>14,978,013</del>
2	<del>Total general fund</del>	<del>\$6,667,660</del>	<del>\$1,748,239</del>	<del>\$8,415,899</del>
3	<del>Full-time equivalent positions</del>	<del>44.00</del>	<del>6.00</del>	<del>50.00</del>
4	Salaries and wages	\$8,506,704	\$2,404,925	\$10,911,629
5	Accrued leave payments	168,278	(168,278)	0
6	Operating expenses	1,895,562	410,464	2,306,026
7	Capital assets	60,665	(34,265)	26,400
8	Grants	20,000	0	20,000
9	Abandoned mined lands contractual	8,000,000	0	8,000,000
10	Rail rate complaint case	900,000	0	900,000
11	Reclamation and grain licensing litigation	150,000	(150,000)	0
12	Railroad safety program	0	970,035	970,035
13	Specialized legal services	0	900,000	900,000
14	Total all funds	\$19,701,209	\$4,332,881	\$24,034,090
15	Less estimated income	13,033,549	2,452,720	15,486,269
16	Total general fund	\$6,667,660	\$1,880,161	\$8,547,821
17	Full-time equivalent positions	44.00	8.00	52.00

**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:

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

The 2015-17 one-time funding amounts are not a part of the entity's base budget for the 2017-19 biennium. The public service commission shall report to the appropriations committees

1 of the sixty-fifth legislative assembly on the use of this one-time funding for the biennium  
2 beginning July 1, 2015, and ending June 30, 2017.

3 **SECTION 3. RAILROAD SAFETY PROGRAM - RAIL SAFETY FUND.** The railroad safety  
4 program line item in section 1 of this Act includes \$972,294 from the rail safety fund, of which  
5 \$762,294 relates to salaries and wages and \$210,000 relates to operating expenses for the  
6 public service commission to establish and operate a state railroad safety program for the  
7 biennium beginning July 1, 2015, and ending June 30, 2017.

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

10 **49-01-05. Salary of commissioners.**

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

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

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

1           **57-43.2-19. (Effective through June 30, 2015) Transfer, deposit, and distribution of**  
2 **funds.**

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

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

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

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

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