

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 pilot program; to provide for a railroad training  
3 program; to amend and reenact sections 49-01-05 and 57-43.2-19 of the North Dakota Century  
4 Code, relating to the salary of public service commissioners and the special fuels excise taxes  
5 distribution of funds; to provide a statement of legislative intent; to authorize a transfer; to  
6 provide an effective date; to provide for retroactive application; and to declare an 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:

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

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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	Railroad safety program	0	523,345	523,345
14	Specialized legal services	0	900,000	900,000
15	Weights and measures temp employee	0	200,000	200,000
16	Total all funds	\$19,701,209	\$2,534,573	\$22,235,782
17	Less estimated income	13,033,549	1,267,026	14,300,575
18	Total general fund	\$6,667,660	\$1,267,547	\$7,935,207
19	Full-time equivalent positions	44.00	2.00	46.00

**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:

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

1	<u>Hydraulic soil probe</u>	<u>28,000</u>	<u>0</u>
2	<u>Total all funds</u>	<u>\$778,000</u>	<u>\$750,000</u>
3	<u>Total special funds</u>	<u>353,920</u>	<u>336,000</u>
4	<u>Total general fund</u>	<u>\$424,080</u>	<u>\$414,000</u>

5 The 2015-17 one-time funding amounts are not a part of the entity's base budget for the  
6 2017-19 biennium. The public service commission shall report to the appropriations committees  
7 of the sixty-fifth legislative assembly on the use of this one-time funding for the biennium  
8 beginning July 1, 2015, and ending June 30, 2017.

9 **SECTION 3. RAILROAD SAFETY PILOT PROGRAM - RAIL SAFETY FUND -**

10 **LEGISLATIVE INTENT.** The railroad safety program line item in section 1 of this Act includes  
11 ~~\$972,294~~\$523,345 from the rail safety fund, of which ~~\$762,294~~\$253,345 relates to salaries and  
12 wages ~~and \$210,000,~~ \$70,000 relates to operating expenses, and \$200,000 relates to a railroad  
13 safety pilot program temporary employee for the public service commission to establish and  
14 operate a state railroad safety pilot program for the biennium beginning July 1, 2015, and  
15 ending June 30, 2017. It is the intent of the sixty-fourth legislative assembly that the railroad  
16 safety pilot program continue through the 2017-19 biennium.

17 **SECTION 4.**

18 **Railroad training program.**

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

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

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

2       The annual salary of a commissioner is ~~ninety-nine thousand four hundred thirty-five dollars~~  
3 ~~through June 30, 2014, and one hundred two thousand four hundred eighteen~~ one hundred five  
4 thousand four hundred ninety-one dollars through June 30, 2016, and one hundred eight  
5 thousand six hundred fifty-six 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. TRANSFER AND REPAYMENT - BEGINNING FARMER REVOLVING LOAN**

10 **FUND.** The Bank of North Dakota shall transfer from the beginning farmer revolving loan fund to  
11 the public service commission the sum of \$900,000, or so much of the sum as may be  
12 necessary, included in the estimated income line item in section 1 of this Act to pay for costs  
13 associated with a rail rate complaint case. Transfers must be made during the biennium  
14 beginning July 1, 2015, and ending June 30, 2017, upon order of the commission. If any  
15 amounts are spent pursuant to this section, the public service commission shall reimburse the  
16 beginning farmer revolving loan fund using amounts available from damages or proceeds  
17 received, net of legal fees, from a successful outcome of a rail complaint case.

18       **SECTION 7. AMENDMENT.** Section 57-43.2-19 of the North Dakota Century Code is  
19 amended and reenacted as follows:

20       **57-43.2-19. (Effective through June 30, 2015) Transfer, deposit, and distribution of**  
21 **funds.**

22       All taxes, license fees, penalties, and interest collected under this chapter must be  
23 transferred to the state treasurer who shall deposit moneys in a highway tax distribution fund,  
24 except all special fuels excise taxes collected on sales of diesel fuel to a railroad under section  
25 57-43.2-03 of up to two hundred fifty thousand dollars per year must be transferred to the state  
26 treasurer who shall deposit the moneys in the highway-rail grade crossing safety projects fund.  
27 The highway tax distribution fund must be distributed in the manner as prescribed by section  
28 54-27-19.

29       **(Effective ~~after June 30~~ July 1, 2015, through June 30, 2019) Transfer, deposit, and**  
30 **distribution of funds.** All taxes, license fees, penalties, and interest collected under this  
31 chapter must be transferred to the state treasurer who shall deposit moneys in a highway tax

1 distribution fund, except all special fuels excise taxes collected on sales of diesel fuel to a  
2 railroad under section 57-43.2-03 of up to ~~five~~two hundred ~~seventy-five~~ thousand dollars per  
3 year must be transferred to the state treasurer who shall deposit the moneys in the rail safety  
4 fund. The highway tax distribution fund must be distributed in the manner as prescribed by  
5 section 54-27-19.

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

10 **SECTION 8. EFFECTIVE DATE.** Section ~~6~~7 of this Act is effective for special fuels excise  
11 taxes collected after June 30, 2015.

12 **SECTION 9. RETROACTIVE APPLICATION.** The specialized legal services line item in  
13 section 1 of this Act is retroactive in application.

14 **SECTION 10. EMERGENCY.** The specialized legal services line item in section 1 of this Act  
15 is declared to be an emergency measure.