

Sixty-sixth
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2008

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 salary of the commissioners and the transfer, deposit, and
4 distribution of funds in the highway tax distribution fund; to provide for a study; to provide for a
5 ~~report~~reports; and to provide for a transfer.

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 the
11 public service commission, for the biennium beginning July 1, 2019, and ending June 30, 2021,
12 as follows:

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
15 Salaries and wages	\$9,197,284	\$866,541	\$10,063,825
16 Operating expenses	1,829,826	54,000	1,883,826
17 Capital assets	10,000	15,000	25,000
18 Grants	20,000	0	20,000
19 Abandoned mined lands contractual	6,000,000	0	6,000,000
20 Rail rate complaint case	900,000	0	900,000
21 Railroad safety program	564,668	24,642	589,310
22 Specialized legal services	94,000	336,000	430,000
23 Total all funds	\$18,615,778	\$1,296,183	\$19,911,961
24 Less estimated income	11,985,016	529,658	12,514,674

1	Total general fund	\$6,630,762	\$766,525	\$7,397,287
2	Full-time equivalent positions	45.00	1.00	46.00
3	Salaries and wages	\$9,197,284	\$132,783	\$9,330,067
4	Operating expenses	1,829,826	(71,000)	1,758,826
5	Capital assets	10,000	15,000	25,000
6	Grants	20,000	0	20,000
7	Abandoned mined lands contractual	6,000,000	0	6,000,000
8	Rail rate complaint case	900,000	0	900,000
9	Railroad safety program	564,668	24,350	589,018
10	Specialized legal services	94,000	336,000	430,000
11	Total all funds	\$18,615,778	\$437,133	\$19,052,911
12	Less estimated income	11,985,016	523,460	12,508,476
13	Total general fund	\$6,630,762	(\$86,327)	\$6,544,435
14	Full-time equivalent positions	45.00	(2.00)	43.00

15 **SECTION 2. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO SIXTY-**
16 **SEVENTH LEGISLATIVE ASSEMBLY.** The following amounts reflect the one-time funding
17 items approved by the sixty-fifth legislative assembly for the 2017-19 biennium and the 2019-21
18 biennium one-time funding items included in the appropriation in section 1 of this Act:

19	<u>One-Time Funding Description</u>	<u>2017-19</u>	<u>2019-21</u>
20	Specialized legal services	<u>\$436,000</u>	<u>\$336,000</u>
21	Total all funds	\$436,000	\$336,000
22	Total special funds	<u>436,000</u>	<u>336,000</u>
23	Total general fund	\$0	\$0

24 The 2019-21 biennium one-time funding amounts are not a part of the entity's base budget
25 for the 2021-23 biennium. The public service commission shall report to the appropriations
26 committees of the sixty-seventh legislative assembly on the use of this one-time funding for the
27 biennium beginning July 1, 2019, and ending June 30, 2021.

28 **SECTION 3. TRANSFER AND REPAYMENT - BEGINNING FARMER REVOLVING LOAN**
29 **FUND.** The Bank of North Dakota shall transfer from the beginning farmer revolving loan fund to
30 the public service commission the sum of \$900,000, or so much of the sum as may be
31 necessary, included in the estimated income line item in section 1 of this Act to pay for costs

1 associated with a rail rate complaint case. Transfers must be made during the biennium
2 beginning July 1, 2019, and ending June 30, 2021, upon order of the commission. If any
3 amounts are spent pursuant to this section, the public service commission shall reimburse the
4 beginning farmer revolving loan fund using amounts available from damages or proceeds
5 received, net of legal fees, from a successful outcome of a rail complaint case.

6 **SECTION 4. 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 ~~fivet~~ten thousand ~~four~~eight hundred
10 ~~ninety-one~~twenty-nine dollars through June 30, 2016~~2020~~, and one hundred
11 ~~eight~~fourteen~~thirteen~~ thousand ~~six~~one hundred ~~fifty-six~~fifty-four dollars thereafter. All fees
12 received or charged by any commissioner for any act or service rendered in any official capacity
13 must be accounted for and paid over by the commissioner monthly to the state treasurer and
14 must be credited to the general fund of the state.

15 **SECTION 5. AMENDMENT.** Section 57-43.2-19 of the North Dakota Century Code is
16 amended and reenacted as follows:

17 **57-43.2-19. Transfer, deposit, and distribution of funds. (Effective July 1, 2015,**
18 **through June 30, 2019)2021**

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 two hundred ~~eighty-five~~ninety-four thousand ~~six hundred fifty-five~~five
23 hundred nine dollars per year must be transferred to the state treasurer who shall deposit the
24 moneys in the rail safety fund. The highway tax distribution fund must be distributed in the
25 manner as prescribed by section 54-27-19.

26 **Transfer, deposit, and distribution of funds. (Effective after June 30, 2019)2021** All
27 taxes, license fees, penalties, and interest collected under this chapter must be transferred to
28 the state treasurer who shall deposit moneys in the highway tax distribution fund. The highway
29 tax distribution fund must be distributed in the manner as prescribed by section 54-27-19.

30 **SECTION 6. RAILROAD INSPECTION STUDY.** During the 2019-20 interim, the public
31 service commission shall study technology available to create efficiencies to reduce costs for

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- 1 railroad equipment and track inspections. The commission shall report its findings and any
- 2 related budget recommendations to the appropriations committees of the sixty-seventh
- 3 legislative assembly.