

**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; ~~and to provide for a transfer~~ to amend and reenact sections 57-43.2-19 and  
 3 49-01-05 of the North Dakota Century Code, relating to the salaries of the public service  
 4 commissioners and the transfer and distribution of funds in the highway tax distribution fund;  
 5 and to provide for a report.

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, 2023, and ending June 30, 2025,  
 12 as follows:

	<u>Governor's</u>		
	<u>Base Level</u>	<u>Recommendation</u>	<u>Appropriation</u>
15 <u>Salaries and wages</u>	<u>\$9,991,488</u>	<u>\$11,354,106</u>	<u>\$9,991,488</u>
16 <u>Operating expenses</u>	<u>1,801,570</u>	<u>2,196,237</u>	<u>1,801,570</u>
17 <u>Capital assets</u>	<u>25,000</u>	<u>45,000</u>	<u>25,000</u>
18 <u>Grants</u>	<u>20,000</u>	<u>20,000</u>	<u>20,000</u>
19 <u>Abandoned mined lands contractual</u>	<u>6,000,000</u>	<u>6,000,000</u>	<u>6,000,000</u>
20 <u>—services</u>			
21 <u>Rail rate complaint case</u>	<u>900,000</u>	<u>900,000</u>	<u>900,000</u>
22 <u>Railroad safety program</u>	<u>614,724</u>	<u>684,654</u>	<u>614,724</u>
23 <u>Specialized legal services</u>	<u>420,000</u>	<u>420,000</u>	<u>420,000</u>
24 <u>Total all funds</u>	<u>\$19,772,782</u>	<u>\$21,619,997</u>	<u>\$19,772,782</u>

Sixty-eighth  
Legislative Assembly

1	<del>Less estimated income</del>	<del>13,347,095</del>	<del>13,988,625</del>	<del>13,347,095</del>
2	<del>Total general fund</del>	<del>\$6,425,687</del>	<del>\$7,631,372</del>	<del>\$6,425,687</del>
3	<del>Full-time equivalent positions</del>	<del>43.00</del>	<del>44.00</del>	<del>43.00</del>
4		Adjustments or		
5		Base Level	Enhancements	Appropriation
6	Salaries and wages	\$9,991,488	\$1,956,555	\$11,948,043
7	Operating expenses	1,801,570	296,167	2,097,737
8	Capital assets	25,000	100,000	125,000
9	Grants	20,000	0	20,000
10	Abandoned mined lands contractual	6,000,000	0	6,000,000
11	services			
12	Rail rate complaint case	900,000	0	900,000
13	Railroad safety program	614,724	61,274	675,998
14	Specialized legal services	420,000	0	420,000
15	Total all funds	\$19,772,782	\$2,413,996	\$22,186,778
16	Less estimated income	13,347,095	641,306	13,988,401
17	Total general fund	\$6,425,687	\$1,772,690	\$8,198,377
18	Full-time equivalent positions	43.00	4.00	47.00

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

**SIXTY-NINTH LEGISLATIVE ASSEMBLY.** The following amounts reflect the one-time funding items approved by the sixty-seventh legislative assembly for the 2021-23 biennium and the 2023-25 one-time funding items included in the appropriation in section 1 of this Act:

23	One-Time Funding Description	2021-23	2023-25
24	<del>Real-time kinematic equipment</del>	<del>\$120,000</del>	<del>\$0</del>
25	<del>Total all funds</del>	<del>\$120,000</del>	<del>\$0</del>
26	<del>Total other funds</del>	<del>114,600</del>	<del>0</del>
27	<del>Total general fund</del>	<del>\$5,400</del>	<del>\$0</del>
28	Real-time kinematic equipment	\$120,000	\$0
29	Indirect cost recovery shortfall	0	101,700
30	Drone	0	20,000
31	Weights and measures equipment	0	70,000

1	<u>Copier replacement</u>	<u>0</u>	<u>10,000</u>
2	<u>Total all funds</u>	<u>\$120,000</u>	<u>\$201,700</u>
3	<u>Total other funds</u>	<u>114,600</u>	<u>18,200</u>
4	<u>Total general fund</u>	<u>\$5,400</u>	<u>\$183,500</u>

5 The 2023-25 biennium one-time funding amounts are not a part of the entity's base budget  
6 for the 2025-27 biennium. The public service commission shall report to the appropriations  
7 committees of the sixty-ninth legislative assembly on the use of this one-time funding for the  
8 biennium beginning July 1, 2023, and ending June 30, 2025.

9 ~~— **SECTION 3. 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 the costs~~  
13 ~~associated with a rail rate complaint case. Transfers must be made during the biennium~~  
14 ~~beginning July 1, 2023, and ending June 30, 2025, 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 rate complaint case.~~

18 **SECTION 3. BANK OF NORTH DAKOTA - LINE OF CREDIT.** The Bank of North Dakota  
19 shall extend a line of credit to the public service commission to provide funding to pay costs  
20 associated with a rail rate complaint case. The line of credit may not exceed \$900,000, and the  
21 interest rate associated with the line of credit must be the prevailing interest rate charged to  
22 North Dakota governmental entities. The public service commission shall repay the line of credit  
23 from amounts available from damages or proceeds received, net of legal fees, from a  
24 successful outcome of a rail complaint case. If moneys available on June 30, 2025, are not  
25 sufficient to repay the line of credit, the public service commission shall request from the  
26 legislative assembly a deficiency appropriation to repay the line of credit.

27 **SECTION 4. AMENDMENT.** Section 57-43.2-19 of the North Dakota Century Code is  
28 amended and reenacted as follows:

1        **57-43.2-19. Transfer, deposit, and distribution of funds.** ~~(Effective through June 30,~~  
2 ~~2025)~~

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~~three hundred ~~ninety-seven~~thirty-two thousand three hundred  
7 ~~sixty-two~~twenty-seven dollars per year must be transferred to the state treasurer who shall  
8 deposit the moneys in the rail safety fund. The highway tax distribution fund must be distributed  
9 in the manner as prescribed by section 54-27-19.

10 ~~— **Transfer, deposit, and distribution of funds.** (Effective after June 30, 2025) 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 the highway tax distribution fund. The highway tax~~  
13 ~~distribution fund must be distributed in the manner as prescribed by section 54-27-19.~~

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

16        **49-01-05. Salary of commissioners.**

17        The annual salary of a commissioner is one hundred ~~fifteen~~twenty-four thousand ~~three~~eight  
18 hundred ~~four~~ dollars through June 30, ~~2022~~2024, and one hundred ~~seventeen~~twenty-nine  
19 thousand ~~six~~seven hundred ~~ten~~ninety-two dollars thereafter. All fees received or charged by any  
20 commissioner for any act or service rendered in any official capacity must be accounted for and  
21 paid over by the commissioner monthly to the state treasurer and must be credited to the  
22 general fund of the state.