

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

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 special funds derived from federal funds and
9 other income, to the public service commission for the purpose of defraying the expenses of the
10 public service commission, for the biennium beginning July 1, 2023, and ending June 30, 2025,
11 as follows:

	<u>Base Level</u>	Adjustments or <u>Enhancements</u>	<u>Appropriation</u>
14 Salaries and wages	\$9,991,488	\$1,956,555	\$11,948,043
15 Operating expenses	1,801,570	296,167	2,097,737
16 Capital assets	25,000	100,000	125,000
17 Grants	20,000	0	20,000
18 Abandoned mined lands contractual 19 services	6,000,000	0	6,000,000
20 Rail rate complaint case	900,000	0	900,000
21 Railroad safety program	614,724	61,274	675,998
22 Specialized legal services	<u>420,000</u>	<u>0</u>	<u>420,000</u>
23 Total all funds	\$19,772,782	\$2,413,996	\$22,186,778
24 Less estimated income	<u>13,347,095</u>	<u>641,306</u>	<u>13,988,401</u>

1	Total general fund	\$6,425,687	\$1,772,690	\$8,198,377
2	Full-time equivalent positions	43.00	4.00	47.00

3 **SECTION 2. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO THE**
 4 **SIXTY-NINTH LEGISLATIVE ASSEMBLY.** The following amounts reflect the one-time funding
 5 items approved by the sixty-seventh legislative assembly for the 2021-23 biennium and the
 6 2023-25 one-time funding items included in the appropriation in section 1 of this Act:

7	<u>One-Time Funding Description</u>	<u>2021-23</u>	<u>2023-25</u>
8	Real-time kinematic equipment	\$120,000	\$0
9	Indirect cost recovery shortfall	0	101,700
10	Drone	0	20,000
11	Weights and measures equipment	0	70,000
12	Copier replacement	<u>0</u>	<u>10,000</u>
13	Total all funds	\$120,000	\$201,700
14	Total other funds	<u>114,600</u>	<u>18,200</u>
15	Total general fund	\$5,400	\$183,500

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

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

29 **SECTION 4. AMENDMENT.** Section 57-43.2-19 of the North Dakota Century Code is
 30 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.