

**FIRST ENGROSSMENT
with Conference Committee Amendments**

ENGROSSED HOUSE BILL NO. 1008

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 an appropriation for a rail rate complaint case; to amend and reenact
3 section 49-01-05 of the North Dakota Century Code, relating to the salary of public service
4 commissioners; to provide for a legislative council study; to provide an exemption to section
5 54-44.1-11 relating to unexpended appropriations; to provide legislative intent; and to declare
6 an emergency.

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

8 **SECTION 1. BASE LEVEL FUNDING INFORMATION.** The amounts identified in this
9 section represent the base level funding component appropriated to the public service
10 commission in section 3 of this Act as follows:

11 Salaries and wages	\$4,771,497
12 Operating expenses	1,197,261
13 Capital assets	35,011
14 Grants	62,000
15 Abandoned mined lands contractual services	3,668,492
16 Rail rate complaint case	<u>250,000</u>
17 Total all funds - Base level	\$9,984,261
18 Less estimated income - Base level	<u>6,072,767</u>
19 Total general fund - Base level	\$3,911,494

20 **SECTION 2. FUNDING ADJUSTMENTS OR ENHANCEMENTS INFORMATION.** The
21 amounts identified in this section represent the funding adjustments or enhancements to the
22 base funding level for the public service commission which are included in the appropriation in
23 section 3 of this Act as follows:

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1	Salaries and wages	\$307,491
2	Operating expenses	210,892
3	Capital assets	53,500
4	Grants	(55,000)
5	Rail rate complaint case	<u>695,000</u>
6	Total all funds - Adjustments/enhancements	\$1,211,883
7	Less estimated income - Adjustments/enhancements	<u>848,753</u>
8	Total general fund - Adjustments/enhancements	\$363,130

9 **SECTION 3. APPROPRIATION.** The funds provided in this section, or so much of the
10 funds as may be necessary, are appropriated out of any moneys in the general fund in the state
11 treasury, not otherwise appropriated, and from special funds derived from federal funds and
12 other income, to the public service commission for the purpose of defraying the expenses of
13 that agency, for the biennium beginning July 1, 2005, and ending June 30, 2007, as follows:

14	Salaries and wages	\$5,078,988
15	Operating expenses	1,408,153
16	Capital assets	88,511
17	Grants	7,000
18	Abandoned mined lands contractual services	3,668,492
19	Rail rate complaint case	<u>945,000</u>
20	Total all funds	\$11,196,144
21	Less estimated income	<u>6,921,520</u>
22	Total general fund appropriation	\$4,274,624

23 **SECTION 4. ESTIMATED INCOME - RAIL RATE COMPLAINT CASE.** The estimated
24 income line item appropriation in section 3 of this Act includes the sum of \$945,000, or so much
25 of the sum as may be necessary, consisting of \$800,000 from the beginning farmer revolving
26 loan fund, \$20,000 of carryover authority from the state rail fund, and \$125,000 from other
27 sources, including the shipper participating in the case, to pay for the costs associated with the
28 rail rate complaint case. The commission must have written commitments for \$125,000 from
29 other sources, including the shipper participating in the case, before spending any moneys from
30 the beginning farmer revolving loan fund.

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

3 **49-01-05. Salary of commissioners.** The annual salary of a commissioner is ~~sixty-six~~
4 ~~thousand five hundred nine dollars through December 31, 2001, sixty-eight~~ seventy-one
5 thousand ~~five~~ nine hundred ~~four~~ seventy dollars through June 30, ~~2002~~ 2006, and ~~sixty-nine~~
6 ~~seventy-four~~ thousand eight hundred ~~seventy-four~~ forty-nine dollars thereafter. All fees
7 received or charged by any commissioner for any act or service rendered in any official
8 capacity must be accounted for and paid over by the commissioner monthly to the state
9 treasurer and must be credited to the general fund of the state.

10 **SECTION 6. EXEMPTION.** The amount appropriated for the rail rate complaint case,
11 as contained in section 1 of chapter 29 of the 2003 Session Laws, is not subject to the
12 provision of section 54-44.1-11. Any unexpended funds from the rail rate complaint case line
13 item are available for continued use for expenditures relating to the rail rate complaint case.

14 **SECTION 7. LEGISLATIVE COUNCIL STUDY - PUBLIC SERVICE COMMISSION**
15 **DUTIES AND RESPONSIBILITIES.** The legislative council shall consider studying, during the
16 2005-06 interim, the changes in responsibilities and duties of the public service commission
17 since its inception. The study should include an evaluation of what additional duties have been
18 given to the commission and those duties no longer performed. The legislative council shall
19 report its findings and recommendations, together with any legislation required to implement
20 the recommendations, to the sixtieth legislative assembly.

21 **SECTION 8. REPAYMENT OF FUNDING.** The public service commission shall
22 reimburse the beginning farmer revolving loan fund for any amounts available from damages or
23 proceeds received net of legal fees from a successful outcome of the rail rate complaint case.

24 **SECTION 9. NORTH DAKOTA RAIL SYSTEM - LEGISLATIVE INTENT.** It is the
25 intent of the legislative assembly that a well-maintained, efficient, and fairly priced railroad
26 transportation system in North Dakota is critical to the future of the North Dakota agriculture
27 sector and the use of funds from the beginning farmer revolving loan fund for the rail rate
28 complaint case will assist in achieving that objective.

29 **SECTION 10. COMMISSION HEARING ROOM - LEGISLATIVE INTENT.** It is the
30 intent of the legislative assembly that the public service commission hearing room be available

1 for use by other state agencies and by the legislative assembly during the regular session when
2 not being used for commission business.

3 **SECTION 11. EMERGENCY.** The rail rate complaint case line item in section 3 of this
4 Act is declared to be an emergency measure.