Sixty-fourth Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 6, 2015

SENATE BILL NO. 2008
(Appropriations Committee)
(At the request of the Governor)

AN ACT to provide an appropriation for defraying the expenses of the public service commission; to provide for a railroad safety pilot program; to provide for a railroad training program; to amend and reenact sections 49-01-05 and 57-43.2-19 of the North Dakota Century Code, relating to the salary of public service commissioners and the special fuels excise taxes distribution of funds; to provide a statement of legislative intent; to authorize a transfer; to provide an effective date; to provide for retroactive application; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. The funds provided in this section, or so much of the funds as may be necessary, are appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, and from special funds derived from federal funds and other income, to the public service commission for the purpose of defraying the expenses of that agency, for the biennium beginning July 1, 2015, and ending June 30, 2017, as follows:

	Base Level	Adjustments or Enhancements	Appropriation
Salaries and wages	$8,506,704	$1,183,771	$9,690,475
Accrued leave payments	168,278	(168,278)	0
Operating expenses	1,895,562	80,000	1,975,562
Capital assets	60,665	(34,265)	26,400
Grants	20,000	0	20,000
Abandoned mined lands contractual	8,000,000	0	8,000,000
Rail rate complaint case	900,000	0	900,000
Reclamation and grain licensing litigation	150,000	(150,000)	0
Railroad safety program	0	523,345	523,345
Specialized legal services	0	900,000	900,000
Weights and measures temp employee	0	200,000	200,000
Total all funds	$19,701,209	$2,534,573	$22,235,782
Less estimated income	13,033,549	1,267,026	14,300,575
Total general fund	$6,667,660	$1,267,547	$7,935,207
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:

One-Time Funding Description	2013-15	2015-17
Specialized legal services	$750,000	$750,000
Hydraulic soil probe	28,000	0
Total all funds	$778,000	$750,000
Total special funds	353,920	336,000
Total general fund	$424,080	$414,000

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

SECTION 3. RAILROAD SAFETY PILOT PROGRAM - RAIL SAFETY FUND - LEGISLATIVE INTENT. The railroad safety program line item in section 1 of this Act includes $523,345 from the rail safety fund, of which $253,345 relates to salaries and wages, $70,000 relates to operating expenses, and $200,000 relates to a railroad safety pilot program temporary employee for the public service commission to establish and operate a state railroad safety pilot program for the biennium beginning July 1, 2015, and ending June 30, 2017. It is the intent of the sixty-fourth legislative assembly that the railroad safety pilot program continue through the 2017-19 biennium.

SECTION 4.

Railroad training program.

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

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

49-01-05. Salary of commissioners.

The annual salary of a commissioner is ~~ninety-nine thousand four hundred thirty-five dollars through June 30, 2014, and one hundred two thousand four hundred eighteen~~ one hundred five thousand four hundred ninety-one dollars through June 30, 2016, and one hundred eight thousand six hundred fifty-six dollars thereafter. All fees received or charged by any commissioner for any act or service rendered in any official capacity must be accounted for and paid over by the commissioner monthly to the state treasurer and must be credited to the general fund of the state.

SECTION 6. TRANSFER AND REPAYMENT - BEGINNING FARMER REVOLVING LOAN FUND. The Bank of North Dakota shall transfer from the beginning farmer revolving loan fund to the public service commission the sum of $900,000, or so much of the sum as may be necessary, included in the estimated income line item in section 1 of this Act to pay for costs associated with a rail rate complaint case. Transfers must be made during the biennium beginning July 1, 2015, and ending June 30, 2017, upon order of the commission. If any amounts are spent pursuant to this section, the public service commission shall reimburse the beginning farmer revolving loan fund using amounts available from damages or proceeds received, net of legal fees, from a successful outcome of a rail complaint case.

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

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

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

(Effective ~~after June 30~~July 1, 2015, through June 30, 2019) Transfer, deposit, and distribution of funds. All taxes, license fees, penalties, and interest collected under this chapter must be transferred to the state treasurer who shall deposit moneys in a highway tax distribution fund, except all special fuels excise taxes collected on sales of diesel fuel to a railroad under section 57-43.2-03 of

up to two hundred seventy-five thousand dollars per year must be transferred to the state treasurer who shall deposit the moneys in the rail safety fund. The highway tax distribution fund must be distributed in the manner as prescribed by section 54-27-19.

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

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

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

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

President of the Senate

Speaker of the House

Secretary of the Senate

Chief Clerk of the House

This certifies that the within bill originated in the Senate of the Sixty-fourth Legislative Assembly of North Dakota and is known on the records of that body as Senate Bill No. 2008 and that two-thirds of the members-elect of the Senate voted in favor of said law.

Vote: Yeas 47 Nays 0 Absent 0

President of the Senate

Secretary of the Senate

This certifies that two-thirds of the members-elect of the House of Representatives voted in favor of said law.

Vote: Yeas 85 Nays 4 Absent 5

Speaker of the House

Chief Clerk of the House

Received by the Governor at 3:49 P.M. on April 28, 2015.

Approved at 3:52 P.M. on April 29, 2015.

Governor

Filed in this office this 30th day of April, 2015,

at 8:21 o'clock A M.

Secretary of State