

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~~ section 49-01-05, subsection 4 of
 3 section 49-22-22, and sections 49-22.1-21 and 57-43.2-19 of the North Dakota Century Code,
 4 relating to the salaries of the public service commissioners ~~and,~~ the transfer and distribution of
 5 funds in the highway tax distribution fund, and siting process administrative fees; and to provide
 6 for a report to provide a transfer; and to declare an emergency.

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

8 **SECTION 1. APPROPRIATION.** The funds provided in this section, or so much of the funds
 9 as may be necessary, are appropriated out of any moneys in the general fund in the state
 10 treasury, not otherwise appropriated, and from special funds derived from federal funds and
 11 other income, to the public service commission for the purpose of defraying the expenses of the
 12 public service commission, for the biennium beginning July 1, 2023, and ending June 30, 2025,
 13 as follows:

	Base Level	Adjustments or Enhancements	Appropriation
16 Salaries and wages	\$9,991,488	\$1,956,555	\$11,948,043
17 Operating expenses	1,801,570	296,167	2,097,737
18 Capital assets	25,000	100,000	125,000
19 Grants	20,000	0	20,000
20 Abandoned mined lands contractual	6,000,000	0	6,000,000
21 —services			
22 Rail rate complaint case	900,000	0	900,000
23 Railroad safety program	614,724	61,274	675,998
24 Specialized legal services	420,000	0	420,000

Sixty-eighth
Legislative Assembly

1	Total all funds	\$19,772,782	\$2,413,996	\$22,186,778
2	Less estimated income	13,347,095	641,306	13,988,401
3	Total general fund	\$6,425,687	\$1,772,690	\$8,198,377
4	Full-time equivalent positions	43.00	4.00	47.00
5	Salaries and wages	\$9,991,488	\$930,538	\$10,922,026
6	Operating expenses	1,801,570	403,917	2,205,487
7	Capital assets	25,000	100,000	125,000
8	Grants	20,000	0	20,000
9	Abandoned mined lands contractual	6,000,000	0	6,000,000
10	services			
11	Rail rate complaint case	900,000	0	900,000
12	Railroad safety program	614,724	54,594	669,318
13	Specialized legal services	420,000	0	420,000
14	Total all funds	\$19,772,782	\$1,489,049	\$21,261,831
15	Less estimated income	13,347,095	377,026	13,724,121
16	Total general fund	\$6,425,687	\$1,112,023	\$7,537,710
17	Full-time equivalent positions	43.00	2.00	45.00

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:

	<u>One-Time Funding Description</u>	<u>2021-23</u>	<u>2023-25</u>
23	Real-time kinematic equipment	\$120,000	\$0
24	Indirect cost recovery shortfall	0	101,700
25	Drone	0	20,000
26	Weights and measures equipment	0	70,000
27	Copier replacement	<u>0</u>	<u>10,000</u>
28	Total all funds	\$120,000	\$201,700
29	Total other funds	<u>114,600</u>	<u>18,200</u>
30	Total general fund	\$5,400	\$183,500

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

5 **SECTION 3. 2021-23 BIENNIUM APPROPRIATION - TRANSFER - PUBLIC SERVICE**
6 **COMMISSION PROGRAM FUND.** There is appropriated out of any moneys in the general fund
7 in the state treasury, not otherwise appropriated, the sum of \$60,000, which the office of
8 management and budget shall transfer to the public service commission program fund for the
9 purpose of establishing a balance in the public service commission program fund, during the
10 period beginning with the effective date of this Act, and ending June 30, 2023.

11 **SECTION 4. BANK OF NORTH DAKOTA - LINE OF CREDIT.** The Bank of North Dakota
12 shall extend a line of credit to the public service commission to provide funding to pay costs
13 associated with a rail rate complaint case. The line of credit may not exceed \$900,000, and the
14 interest rate associated with the line of credit must be the prevailing interest rate charged to
15 North Dakota governmental entities. The public service commission shall repay the line of credit
16 from amounts available from damages or proceeds received, net of legal fees, from a
17 successful outcome of a rail complaint case. If moneys available on June 30, 2025, are not
18 sufficient to repay the line of credit, the public service commission shall request from the
19 legislative assembly a deficiency appropriation to repay the line of credit.

20 ~~SECTION 5. AMENDMENT. Section 57-43.2-19 of the North Dakota Century Code is~~
21 ~~amended and reenacted as follows:~~

22 ~~57-43.2-19. Transfer, deposit, and distribution of funds. (Effective through June 30,~~
23 ~~2025)~~

24 ~~All taxes, license fees, penalties, and interest collected under this chapter must be~~
25 ~~transferred to the state treasurer who shall deposit moneys in a highway tax distribution fund,~~
26 ~~except all special fuels excise taxes collected on sales of diesel fuel to a railroad under section~~
27 ~~57-43.2-03 of up to twothree hundred ninety-seventhirty-two thousand three hundred~~
28 ~~sixty-two twenty-seven dollars per year must be transferred to the state treasurer who shall~~
29 ~~deposit the moneys in the rail safety fund. The highway tax distribution fund must be distributed~~
30 ~~in the manner as prescribed by section 54-27-19.~~

~~1 — Transfer, deposit, and distribution of funds. (Effective after June 30, 2025) All taxes,
2 license fees, penalties, and interest collected under this chapter must be transferred to the state
3 treasurer who shall deposit moneys in the highway tax distribution fund. The highway tax
4 distribution fund must be distributed in the manner as prescribed by section 54-27-19.~~

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

7 **49-01-05. Salary of commissioners.**

8 The annual salary of a commissioner is one hundred ~~fifteen~~twenty-four thousand
9 ~~three~~eight hundred four dollars through June 30, ~~2022~~2024, and one hundred ~~seventeen~~twenty-
10 ninethirty-five thousand six ~~seventy~~two hundred ~~ten~~ninety-two dollars thereafter. All fees received
11 or charged by any commissioner for any act or service rendered in any official capacity must be
12 accounted for and paid over by the commissioner monthly to the state treasurer and must be
13 credited to the general fund of the state.

14 **SECTION 6. AMENDMENT.** Subsection 4 of section 49-22-22 of the North Dakota Century
15 Code is amended and reenacted as follows:

16 4. Every applicant under this chapter shall pay to the commission an administrative fee
17 equal to ~~one~~two hundred dollars for each one million dollars of original investment, not
18 to exceed ~~twenty-five~~fifty thousand dollars. The administrative fee must be deposited
19 in the public service commission program fund.

20 **SECTION 7. AMENDMENT.** Section 49-22.1-21 of the North Dakota Century Code is
21 amended and reenacted as follows:

22 **49-22.1-21. Siting process expense recovery - Deposit in special fund - Continuing**
23 **appropriation.**

24 1. Every applicant under this chapter shall pay to the commission an application fee:
25 a. An applicant for a certificate of site compatibility shall pay an amount equal to five
26 hundred dollars for each one million dollars of investment in the facility.
27 b. An applicant for a certificate of corridor compatibility shall pay an amount equal to
28 five thousand dollars for each one million dollars of investment in the facility.
29 c. An applicant for a waiver shall pay the amount that would be required for an
30 application for a certificate of site or corridor compatibility for the proposed facility.
31 If a waiver is not granted for a proposed facility, the application fee paid must be

1 allowed as a credit against fees payable under this section in connection with an
2 application under this chapter for a certificate or permit for the proposed facility.

3 d. An applicant for a transfer of a certificate or permit shall pay an amount to be
4 determined by the commission to cover anticipated expenses of processing the
5 application.

6 e. An applicant requesting an amendment to a certificate or permit, or certifying to
7 the commission under subsection 3 of section 49-22.1-01 or obtaining siting
8 authority under subdivision b of subsection 2 or subdivision c of subsection 4 of
9 section 49-22.1-15, shall pay an amount to be determined by the commission to
10 cover anticipated expenses of processing the application.

11 f. The application fee under subdivision a, b, or c may not be less than ten
12 thousand dollars nor more than one hundred thousand dollars.

13 g. ~~If an application fee is less than twenty-five thousand dollars, an~~An applicant may
14 agree to pay additional fees that are reasonably necessary for completion of the
15 site, corridor, or route evaluation and designation process.

16 2. ~~At~~If an applicant does not agree to pay additional fees reasonably necessary for
17 completion of the site, corridor, or route evaluation and designation process, at the
18 request of the commission and with the approval of the emergency commission, the
19 applicant shall pay any additional fees as are reasonably necessary for completion of
20 the gas or liquid energy conversion facility site, gas or liquid transmission facility
21 corridor, or gas or liquid transmission facility route evaluation and designation process
22 by the commission. The application fee under subsection 1 and any additional fees
23 required of the applicant under this subsection may not exceed an amount equal to
24 one thousand dollars for each one million dollars of investment in a proposed energy
25 conversion facility or ten thousand dollars for each one million dollars of investment in
26 a proposed gas or liquid transmission facility.

27 3. A siting process expense recovery fund is established in the state treasury. The
28 commission shall deposit payments received under subsections 1 and 2 in the siting
29 process expense recovery fund. All moneys deposited in the fund are appropriated on
30 a continuing basis to the commission to pay expenses incurred in the siting process.
31 The commission shall specify the time and method of payment of any fees and shall

1 refund the portion of fees collected under subsections 1 and 2 which exceeds the
2 expenses incurred for the evaluation and designation process.

3 4. Every applicant for a certificate of site compatibility, certificate of corridor compatibility
4 and route permit, and transfer of a certificate or permit under this chapter shall pay to
5 the commission an administrative fee equal to ~~one~~two hundred dollars for each
6 one million dollars of original investment, not to exceed ~~twenty-five~~fifty thousand
7 dollars. The administrative fee must be deposited into the public service commission
8 program fund.

9 **SECTION 8. AMENDMENT.** Section 57-43.2-19 of the North Dakota Century Code is
10 amended and reenacted as follows:

11 **57-43.2-19. Transfer, deposit, and distribution of funds.** ~~(Effective through June 30,~~
12 ~~2025)~~

13 All taxes, license fees, penalties, and interest collected under this chapter must be
14 transferred to the state treasurer who shall deposit moneys in a highway tax distribution fund,
15 except all special fuels excise taxes collected on sales of diesel fuel to a railroad under section
16 57-43.2-03 of up to ~~two~~three hundred ~~ninety-seven~~thirty-two thousand three hundred
17 ~~sixty-two~~twenty-seven dollars per year must be transferred to the state treasurer who shall
18 deposit the moneys in the rail safety fund. The highway tax distribution fund must be distributed
19 in the manner as prescribed by section 54-27-19.

20 ~~Transfer, deposit, and distribution of funds. (Effective after June 30, 2025) All taxes,~~
21 ~~license fees, penalties, and interest collected under this chapter must be transferred to the state~~
22 ~~treasurer who shall deposit moneys in the highway tax distribution fund. The highway tax~~
23 ~~distribution fund must be distributed in the manner as prescribed by section 54-27-19.~~

24 **SECTION 9. EMERGENCY.** Sections 3, 6, and 7 of this Act are declared to be an
25 emergency measure.