

Sixty-third
Legislative Assembly
of North Dakota

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 amend and reenact section 49-01-05 of the North Dakota Century Code,
3 relating to the salary of public service commissioners; to provide for a legislative management
4 study; to authorize a transfer; and to declare an emergency.

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
10 that agency, for the biennium beginning July 1, 2013, and ending June 30, 2015, as follows:

	<u>Base Level</u>	Adjustments or <u>Enhancements</u>	<u>Appropriation</u>
11			
12			
13	Salaries and wages	\$774,551	\$8,256,625
14	Accrued leave payments	168,278	168,278
15	Operating expenses	4,825	1,977,397
16	Capital assets	(1,835)	51,165
17	Grants	4,000	20,000
18	Abandoned mined lands contractual	0	8,000,000
19	Rail rate complaint case	<u>0</u>	<u>900,000</u>
20	Total all funds	\$949,819	\$19,373,465
21	Less estimated income	<u>591,828</u>	<u>12,995,259</u>
22	Total general fund	\$357,991	\$6,378,206
23	Full-time equivalent positions	0.00	43.00

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

2 **SIXTY-FOURTH LEGISLATIVE ASSEMBLY.** The following amounts reflect the one-time
3 funding items approved by the sixty-second legislative assembly for the 2011-13 biennium and
4 the 2013-15 one-time funding items included in the appropriation in section 1 of this Act:

5 <u>One-Time Funding Description</u>	<u>2011-13</u>	<u>2013-15</u>
6 Federal stimulus funds	\$658,217	\$0
7 Hydraulic soil probe	<u>0</u>	<u>28,000</u>
8 Total all funds	\$658,217	\$28,000
9 Total special funds	<u>658,217</u>	<u>17,920</u>
10 Total general fund	\$0	\$10,080

11 The 2013-15 one-time funding amounts are not a part of the entity's base budget for the
12 2015-17 biennium. The public service commission shall report to the appropriations committees
13 of the sixty-fourth legislative assembly on the use of this one-time funding for the biennium
14 beginning July 1, 2013, and ending June 30, 2015.

15 **SECTION 3. AMENDMENT.** Section 49-01-05 of the North Dakota Century Code is
16 amended and reenacted as follows:

17 **49-01-05. Salary of commissioners.**

18 The annual salary of a commissioner is ~~ninety-two~~ninety-eight thousand ~~eight~~four hundred
19 ~~twenty-six~~seventy-nine dollars through June 30, ~~2012~~2014, and ~~ninety-five~~one hundred ~~one~~
20 thousand ~~six~~four hundred ~~eleven~~thirty-three dollars thereafter. All fees received or charged by
21 any commissioner for any act or service rendered in any official capacity must be accounted for
22 and paid over by the commissioner monthly to the state treasurer and must be credited to the
23 general fund of the state.

24 **SECTION 4. LEGISLATIVE MANAGEMENT STUDY.** The legislative management shall
25 consider studying, during the 2013-14 interim, civil penalties assessed and collected by state
26 agencies, including a review of the funds into which the collections are deposited and the
27 appropriateness of the use of funds collected. The legislative management shall report its
28 findings and recommendations, together with any legislation required to implement the
29 recommendations, to the sixty-fourth legislative assembly.

30 **SECTION 5. INFORMATION TECHNOLOGY HARDWARE - TRANSFER TO SECURE**
31 **DATA CENTER.** The public service commission shall transfer all appropriate information

1 technology hardware to the information technology department secure data center during the
2 biennium beginning July 1, 2013, and ending June 30, 2015.

3 **SECTION 6. TRANSFER AND REPAYMENT - BEGINNING FARMER REVOLVING LOAN**

4 **FUND.** The sum of \$900,000, or so much of the sum as may be necessary, included in the
5 estimated income line item in section 1 of this Act, shall be transferred by the Bank of North
6 Dakota from the beginning farmer revolving loan fund to the public service commission to pay
7 for costs associated with a rail rate complaint case. Transfers shall be made during the
8 biennium beginning July 1, 2013, and ending June 30, 2015, upon order of the commission. If
9 any amounts are spent pursuant to this section, the public service commission shall reimburse
10 the beginning farmer revolving loan fund using amounts available from damages or proceeds
11 received, net of legal fees, from a successful outcome of a rail complaint case.

12 **SECTION 7. LEGISLATIVE INTENT - GAS PIPELINE SAFETY INSPECTOR.** It is the
13 intent of the legislative assembly that the public service commission proceeds in the hiring
14 process of a gas pipeline safety inspector position that has been repurposed in the
15 commission's 2013-15 biennium budget from the weights and measures program prior to
16 June 30, 2013.

17 **SECTION 8. EMERGENCY.** This Act is declared to be an emergency measure.