

**Public Service Commission
Budget No. 408
House Bill Nos. 1008, 1050, Senate Bill No. 2133**

	FTE Positions	General Fund	Other Funds	Total
2005-07 executive budget (bills as introduced)	41.00	\$5,156,601	\$5,985,139	\$11,141,740
2005-07 legislative appropriations	41.00	4,362,837	6,937,151	11,299,988
Legislative increase (decrease) to executive budget	0.00	(\$793,764)	\$952,012	\$158,248
Legislative increase (decrease) to 2003-05 appropriations	0.00	\$451,343	\$864,384	\$1,315,727

SUMMARY OF LEGISLATIVE CHANGES TO THE EXECUTIVE BUDGET AND MAJOR FUNDING ITEMS

Salaries and Wages

The legislative action affecting the recommended appropriation for the Public Service Commission is in accordance with legislative salary and fringe benefits guidelines as contained in House Bill No. 1050.

	Major Items FTE Positions	General Fund	Other Funds	Total
The legislative action:				
Added funding for state employee salary increases		\$19,590	\$8,775	\$28,365
Reduced funding recommended in the executive budget for state employee health insurance premiums from \$559.15 to \$553.95 per month per policy		(3,354)	(1,763)	(5,117)
Changed the funding source for a "simplified" rail rate complaint case to be filed with the Surface Transportation Board. The executive recommendation included \$900,000 from the general fund for the case. The Legislative Assembly increased the authorization to \$945,000, of which \$800,000 is from the beginning farmer revolving loan fund; \$20,000 of carryover authority from the state rail fund; and \$125,000 from the shipper participating in the rail rate case and other sources.		(900,000)	945,000	45,000
Added funding for improvements to the sound system in the Public Service Commission hearing room		30,000		30,000
Provided an appropriation in Senate Bill No. 2133 for refunding siting application fees collected after August 1, 2004, in excess of the expenses incurred for the evaluation and designation process		60,000		60,000
Total	0.00	(\$793,764)	\$952,012	\$158,248

FTE Changes

The Legislative Assembly did not change the executive recommendation which included funding for 41 FTE positions, the same as the 2003-05 biennium.

Other Sections in Bill

Rail rate complaint case - Section 4 provides that funding for the rail rate complaint case is from the beginning farmer revolving loan fund (\$800,000), carryover authority from the state rail fund (\$20,000), and from other sources, including the shipper participating in the case (\$125,000).

Repayment of funding - Section 8 provides that the Public Service Commission is to reimburse the beginning farmer revolving loan fund for any amounts available from damages or proceeds received net of legal fees from a successful outcome of the rail rate complaint case.

North Dakota rail system - Section 9 provides legislative intent that a well-maintained, efficient, and fairly priced railroad transportation system in North Dakota is critical to the future of the North Dakota agriculture sector and the use of funds from the beginning farmer revolving loan fund for the rail rate complaint case will assist in achieving that objective.

Public Service Commission duties study - Section 7 provides for a Legislative Council study of the changes in responsibilities and duties of the Public Service Commission since its inception.

Public Service Commission hearing room use - Section 10 provides legislative intent that the Public Service Commission hearing room be available to other state agencies and the Legislative Assembly when not in use by the Public Service Commission.

Metrology laboratory - The Legislative Assembly did not change the executive recommendation to appropriate \$70,000 from the general fund for space rental of a new metrology laboratory. The current laboratory, which is located on the Capitol grounds in a Facility Management maintenance building, has failed to meet the standards for certification.

Related Legislation

Performance assurance fund - House Bill No. 1106 provides that money received by the Public Service Commission under the performance assurance plan is to be deposited into the performance assurance fund until the balance of the fund equals \$100,000. Any payments received that would cause the fund balance to exceed \$100,000 are to be deposited in the general fund. Previously, performance assurance receipts in excess of \$100,000 during a biennium were to be deposited in the general fund. The Public Service Commission performance assurance fund is a component of Qwest's performance assurance plan to provide long-distance service.

Power plant siting limits - House Bill No. 1283 changed the limit for a power plant to be sited under the siting Act from 50,000 to 100,000 kilowatts.

Renewable electricity and recycled energy credit trading and tracking system - House Bill No. 1314 provides for the Public Service Commission to establish or participate in a program to track, record, or verify the trading of credits for electricity generated from renewable and recycled heat sources among electric generators, utilities, and other interested entities within this state and with similar entities in other states.

Power plant siting fees - Senate Bill No. 2133 provides for energy conversion and transmission facility site compatibility, certificate of corridor compatibility, and waiver application fees to be deposited in the siting process expense recovery fund and provides a continuing appropriation from the fund to the Public Service Commission for expenses incurred in the siting process.

Salaries of the Public Service Commissioners - Section 16 of House Bill No. 1015 provides the statutory changes to North Dakota Century Code Section 49-01-05, relating to the salaries of the Public Service Commissioners. The Legislative Assembly authorized 2005-07 biennium salary increases of 4 percent, effective July 1, 2005, and 4 percent, effective July 1, 2006, for elected officials. The Public Service Commissioners' salaries are to be increased from the current level of \$69,874 to \$72,669, effective July 1, 2005, and \$75,576, effective July 1, 2006.