

June 2007

TITLE 49

Public Utilities

Summary of Bills Enacted by 2007 Legislative Assembly

This memorandum summarizes 2007 legislation primarily affecting North Dakota Century Code Title 49. Bills primarily affecting other titles also affect this title, and relevant provisions of those bills are summarized in this memorandum.

The legislation relating to public utilities may be classified in these subject areas: railroads; telecommunications; electricity; and miscellaneous.

RAILROADS

Senate Bill No. 2368 voids any provision of an agreement relating to the use or occupancy of railroad right of way which provides that this state's law on indemnification does not apply.

Senate Bill No. 2188 requires a railroad corporation to provide immediate notice to the Department of Emergency Services of an accidental release of a hazardous material. In addition, the bill requires a Legislative Council study of risk assessments for railroad facilities, the handling of hazardous cargo by railroads, and the ability of railroads to respond to potential accidents and emergencies.

TELECOMMUNICATIONS

House Bill No. 1143 allows the Public Service Commission to provide suspensions or modifications to rural telephone companies under the Telecommunications Act of 1996.

House Bill No. 1142 increases from 8,000 to 18,000 local exchange subscribers the number of subscribers that a telecommunications company can have fewer than and not be regulated by the Public Service Commission for most matters.

ELECTRICITY

House Bill No. 1317 allows the Public Service Commission to adopt rules governing the decommissioning of a commercial wind energy conversion facility.

House Bill No. 1193 includes hydroelectric energy within the definition of renewable electric and recycled energy for purposes of renewable electricity and recycled energy credit trading.

House Bill No. 1315 requires commercial electric generation facilities to comply with the standards of the National Electric Safety Code.

House Bill No. 1221 provides for expedited cost recovery for public utilities to comply with federal environmental mandates on existing electricity generating stations.

Senate Bill No. 2031 provides for expedited rate recovery for public utilities to recover jurisdictional capital and operating costs for new or modified electric transmission facilities.

House Bill No. 1506 establishes a state renewable and recycled energy objective that 10 percent of all electricity sold at retail within the state by the year 2015 be obtained from renewable energy and recycled energy sources with special provisions for hydroelectric facilities and renewable electricity and recycled energy credits.

MISCELLANEOUS

Senate Bill No. 2214 excludes economic development from the public purposes that may be used for eminent domain as it applies to railroads and pipeline carriers.

House Bill No. 1127 exempts materials submitted to the North Dakota Transmission Authority that contain trade secrets or commercial, financial, or proprietary information from public open records laws. The bill requires the authority to provide an annual report to the Industrial Commission detailing activities and expenditures incurred during the preceding year. In addition, the bill broadens the class of people the authority may consult in establishing reasonable fees, rates, tariffs, or other charges for transmission facilities and services offered by the authority.

Senate Bill No. 2028 removes the duty on the Public Service Commission to report annually to the Budget Section with respect to payments received and expenditures made from the performance assurance fund.

Senate Bill No. 2008 increases the salary of each public service commissioner from \$75,576 to \$78,590 through June 30, 2008, and \$81,743 after that date.