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Sixty-third
Legislative Assembly
of North Dakota

Introduced by

Representative Delzer

FIRST ENGROSSMENT

ENGROSSED HOUSE BILL NO. 1148

A BILL for an Act to provide an appropriation for defraying the expenses of the public service commission; to amend and reenact section 49-01-05 of the North Dakota Century Code, relating to the salary of public service commissioners; to provide for a legislative management study; to authorize a transfer; 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 the public service commission, for the biennium beginning July 1, 2013, and ending June 30, 2015, as follows:

	Base Level	Adjustments or Enhancements	Appropriation
Salaries and wages	$7,482,074	$774,551	$8,256,625
Accrued leave payments	0	168,278	168,278
Operating expenses	1,972,572	4,825	1,977,397
Capital assets	53,000	(1,835)	51,165
Grants	16,000	4,000	20,000
Abandoned mined lands contractual	8,000,000	0	8,000,000
Rail rate complaint case	900,000	0	900,000
Total all funds	$18,423,646	$949,819	$19,373,465
Less estimated income	12,403,431	591,828	12,995,259
Total general fund	$6,020,215	$357,991	$6,378,206
Full-time equivalent positions	43.00	0.00	43.00

SECTION 2. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO SIXTY-FOURTH LEGISLATIVE ASSEMBLY. The following amounts reflect the one-time funding items approved by the sixty-second legislative assembly for the 2011-13 biennium and any 2013-15 one-time funding items included in the appropriation in section 1 of this Act:

One-Time Funding Description	2011-13	2013-15
Federal stimulus funds	$658,217	$0
Hydraulic soil probe	0	28,000
Total all funds	$658,217	$28,000
Total special funds	658,217	17,920
Total general fund	$0	$10,080

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

SECTION 3. 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-two~~ninety-eight thousand ~~eight~~four hundred ~~twenty-six~~seventy-nine dollars through June 30, ~~2012~~2014, and ~~ninety-five~~one hundred one thousand ~~six~~four hundred ~~eleven~~thirty-three 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 4. LEGISLATIVE MANAGEMENT STUDY. The legislative management shall consider studying during the 2013-14 interim civil penalties assessed and collected by state agencies, including a review of the funds into which the collections are deposited and the appropriateness of the use of funds collected. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-fourth legislative assembly.

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

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

SECTION 6. TRANSFER AND REPAYMENT - BEGINNING FARMER REVOLVING LOAN FUND. 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, shall be transferred by the Bank of North Dakota from the beginning farmer revolving loan fund to the public service commission to pay for costs associated with a rail rate complaint case. Transfers shall be made during the biennium beginning July 1, 2013, and ending June 30, 2015, 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. LEGISLATIVE INTENT - GAS PIPELINE SAFETY INSPECTOR. It is the intent of the legislative assembly that the public service commission proceeds in the hiring process of a gas pipeline safety inspector position that has been repurposed in the commission's 2013-15 biennium budget from the weights and measures program prior to June 30, 2013.

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