

**FIRST ENGROSSMENT  
with Conference Committee Amendments**

Sixty-first  
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 provide legislative intent; to provide for a report to the budget section; to provide  
3 an exemption; and to amend and reenact section 49-01-05 of the North Dakota Century Code,  
4 relating to the salary of public service commissioners.

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  
7 funds 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, 2009, and ending June 30, 2011, as follows:

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
11			
12			
13 Salaries and wages	\$5,674,928	\$1,073,033	\$6,747,961
14 Operating expenses	1,635,856	309,090	1,944,946
15 Capital assets	68,500	59,000	127,500
16 Grants	8,000	2,000	10,000
17 Abandoned mined lands contractual	4,500,000	2,000,000	6,500,000
18 services			
19 Rail rate complaint case	<u>900,000</u>	<u>0</u>	<u>900,000</u>
20 Total all funds	\$12,787,284	\$3,443,123	\$16,230,407
21 Less estimated income	<u>8,003,309</u>	<u>2,623,933</u>	<u>10,627,242</u>
22 Total general fund	\$4,783,975	\$819,190	\$5,603,165
23 Full-time equivalent positions	41.00	2.00	43.00

1           **SECTION 2. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO**  
2 **SIXTY-SECOND LEGISLATIVE ASSEMBLY.** The following amounts reflect the one-time  
3 funding items approved by the sixtieth legislative assembly for the 2007-09 biennium and the  
4 2009-11 one-time funding items included in the appropriation in section 1 of this Act:

5 <u>One-Time Funding Description</u>	<u>2007-09</u>	<u>2009-11</u>
6 Videoconferencing equipment	\$20,000	\$0
7 Weights and measures equipment	39,000	0
8 High-flow dispenser prover	<u>30,484</u>	<u>0</u>
9 Total general fund	\$89,484	\$0

10 The 2009-11 one-time funding amounts are not a part of the entity's base budget for the  
11 2011-13 biennium. The public service commission shall report to the appropriations  
12 committees of the sixty-second legislative assembly on the use of this one-time funding for the  
13 biennium beginning July 1, 2009, and ending June 30, 2011.

14           **SECTION 3. LEGISLATIVE INTENT - METROLOGY PROGRAM - BUDGET**

15 **SECTION REPORT.** It is the intent of the sixty-first legislative assembly that the public service  
16 commission discontinue providing metrology program services during the biennium beginning  
17 July 1, 2009, and ending June 30, 2011. It is further the intent of the legislative assembly that  
18 the public service commission and the department of commerce collaborate to assist with the  
19 transition of metrology services from a public to a private service by contracting with the private  
20 sector for services on a short-term basis, assisting with equipment acquisition, and providing  
21 referrals. The public service commission shall report to the budget section during the 2009-10  
22 interim on the status of the metrology program.

23           **SECTION 4. EXEMPTION.** If the public service commission transitions metrology  
24 services from a public to a private service, the public service commission may sell or transfer  
25 property related to the metrology services in a manner that is determined by the commission to  
26 be of the greatest advantage to the state. The sale or transfer of the metrology equipment is  
27 not subject to the provisions of North Dakota Century Code section 54-44-04.6.

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

30           **49-01-05. Salary of commissioners.** The annual salary of a commissioner is  
31 ~~seventy-eight~~ eighty-five thousand ~~five~~ eight hundred ~~ninety-nine~~ thirty dollars through June 30,

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1 ~~2008~~ 2010, and ~~eighty-one~~ ninety thousand ~~seven~~ one hundred ~~forty-three~~ twenty-two dollars  
2 thereafter. All fees received or charged by any commissioner for any act or service rendered in  
3 any official capacity must be accounted for and paid over by the commissioner monthly to the  
4 state treasurer and must be credited to the general fund of the state.