

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; and 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:

		Adjustments or		
	<u>Base Level</u>	<u>Enhancements</u>		<u>Appropriation</u>
13 Salaries and wages	\$7,482,074	\$1,177,170		\$8,659,244
14 <u>Salaries and wages</u>	<u>\$7,482,074</u>	<u>\$774,551</u>		<u>\$8,256,625</u>
15 <u>Accrued leave payments</u>	<u>0</u>	<u>168,278</u>		<u>168,278</u>
16 Operating expenses	1,972,572	4,825		1,977,397
17 Capital assets	53,000	35,665		88,665
18 <u>Capital assets</u>	<u>53,000</u>	<u>(1,835)</u>		<u>51,165</u>
19 Grants	16,000	4,000		20,000
20 Abandoned mined lands contractual	8,000,000	0		8,000,000
21 Rail rate complaint case	<u>900,000</u>	<u>0</u>		<u>900,000</u>
22 Total all funds	\$18,423,646	\$1,221,660		\$19,645,306
23 Less estimated income	12,403,431	678,652		13,082,083
24 Total general fund	\$6,020,215	\$543,008		\$6,563,223

1	<u>Total all funds</u>	<u>\$18,423,646</u>	<u>\$949,819</u>	<u>\$19,373,465</u>
2	<u>Less estimated income</u>	<u>12,403,431</u>	<u>591,828</u>	<u>12,995,259</u>
3	<u>Total general fund</u>	<u>\$6,020,215</u>	<u>\$357,991</u>	<u>\$6,378,206</u>
4	Full-time equivalent positions	43.00	0.00	43.00

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

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

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

15 The 2013-15 one-time funding amounts are not a part of the entity's base budget for the
16 2015-17 biennium. The public service commission shall report to the appropriations committees
17 of the sixty-fourth legislative assembly on the use of this one-time funding for the biennium
18 beginning July 1, 2013, and ending June 30, 2015.

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

21 **49-01-05. Salary of commissioners.**

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

28 **SECTION 4. LEGISLATIVE MANAGEMENT STUDY.** The legislative management shall
29 consider studying, during the 2013-14 interim, civil penalties assessed and collected by state
30 agencies, including a review of the funds into which the collections are deposited and the
31 appropriateness of the use of funds collected. The legislative management shall report its

1 findings and recommendations, together with any legislation required to implement the
2 recommendations, to the sixty-fourth legislative assembly.

3 **SECTION 5. INFORMATION TECHNOLOGY HARDWARE - TRANSFER TO SECURE**
4 **DATA CENTER.** The public service commission shall transfer all appropriate information
5 technology hardware to the information technology department secure data center during the
6 biennium beginning July 1, 2013, and ending June 30, 2015.

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

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

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