Sixty-seventh Legislative Assembly of North Dakota

SENATE BILL NO. 2024

Introduced by

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Appropriations Committee

- 1 A BILL for an Act to provide an appropriation for defraying the expenses of the department of
- 2 environmental quality; to amend and reenact section 23.1-16-10 of the North Dakota Century
- 3 Code, relating to certificate of inspection; to provide a statement of legislative intent; and to
- 4 provide for a legislative management report.

5 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 department of environmental quality for the purpose of defraying the expenses of the department of environmental quality, for the biennium beginning July 1, 2021, and ending June 30, 2023, as follows:

12	Governor's			
13		Base Level	Recommendation	<u>Appropriation</u>
14	Salaries and wages	\$30,587,358	\$32,750,943	\$30,587,358
15	Operating expenses	9,962,180	10,749,121	9,962,180
16	Capital assets	1,263,429	1,247,172	1,263,429
17	Grants	<u>15,861,529</u>	<u>15,060,118</u>	<u>15,861,529</u>
18	Total all funds	\$57,674,496	\$59,807,354	\$57,674,496
19	Less estimated income	<u>45,193,574</u>	<u>47,209,656</u>	45,193,574
20	Total general fund	\$12,480,922	\$12,597,698	\$12,480,922
21	Full-time equivalent positions	165.50	166.00	165.50
22			Adjustments or	
23		Base Level	Enhancements	Appropriation
24	Salaries and wages	\$30,587,358	\$1,991,173	\$32,578,531

1	Operating expenses	9,962,180	917,718	10,879,898
2	Capital assets	1,263,429	(16,257)	1,247,172
3	Grants	15,861,529	(801,411)	15,060,118
4	Total all funds	\$57,674,496	\$2,091,223	\$59,765,719
5	Less estimated income	45,193,574	1,905,853	47,099,427
6	Total general fund	\$12,480,922	\$185,370	\$12,666,292
7	Full-time equivalent positions	165.50	0.50	166.00

SECTION 2. ONE-TIME FUNDING. The following amounts reflect the one-time funding items approved by the sixty-sixth legislative assembly for the 2019-21 biennium:

10	One-Time Funding Description	<u>2019-21</u>	<u>2021-23</u>
11	Air pollution program equipment	\$1,040,000	<u>\$0</u>
12	Total estimated income	\$1,040,000	\$0

SECTION 3. ESTIMATED INCOME - ENVIRONMENT AND RANGELAND PROTECTION

FUND. The estimated income line item in section 1 of this Act includes the sum of \$250,000 from the environment and rangeland protection fund. This amount includes \$50,000 for a grant to the North Dakota stockmen's association environmental services program.

SECTION 4. ESTIMATED INCOME - STATE FIRE AND TORNADO FUND. The estimated income line item in section 1 of this Act includes the sum of \$882,249 from the state fire and tornado fund for the boiler inspection program.

SECTION 4. ESTIMATED INCOME - PETROLEUM TANK RELEASE COMPENSATION

FUND. The estimated income line item in section 1 of this Act includes the sum of \$297,217up to \$773,787 from the petroleum tank release compensation fund for expenses related to the petroleum tank release program.

SECTION 5. AMENDMENT. Section 23.1-16-10 of the North Dakota Century Code is amended and reenacted as follows:

23.1-16-10. Certificate of inspection - Certificate to be posted.

The department shall issue a certificate of inspection for each boiler inspected upon receipt of an inspection report certifying that the boiler is in a safe condition to be operated. The department shall charge a fee of twentythirty-five dollars per year for each year that a certificate is valid, or part of a year thereof, for each certificate of inspection issued as the result of inspections authorized under sections 23.1-16-07 and 23.1-16-08. The fees are the liability of

the owner or user and must be paid in accordance with rules adopted by the department. A certificate may not be issued for any boiler not in a safe condition to be operated or for a boiler for which the inspection and certificate fees have not been paid in full. A certificate is not valid for a period of more than thirty-six months for power boilers described in subsection 2 of section 23.1-16-07, and no more than twelve months for other power boilers, twelve months for steam traction engines, and thirty-six months for low-pressure boilers except that a two-month grace period may be extended for any certificate. Upon written request from a special inspector, the chief boiler inspector may issue a short-term certificate. Each certificate of inspection must be posted conspicuously under glass in the boiler room or adjacent to the boiler inspected.

SECTION 6. LEGISLATIVE INTENT - FUNDING FOR WASTEWATER TESTING. It is the intent of the sixty-seventh legislative assembly that the department of environmental quality use federal COVID-19 relief funds available for wastewater testing before accessing funding from the general fund made available in the deficiency appropriation in House Bill No. 1025.

SECTION 7. LOW-CARBON FUTURE INITIATIVE - LEGISLATIVE MANAGEMENT REPORT. During the 2021-22 interim, the department of environmental quality shall gather information from private industry, private organizations, and government which relates to carbon reduction initiatives, rules, or policies that will affect North Dakota residents and industries. In gathering information, the department of environmental quality shall consider, review, and report, as appropriate, technologies, operational practices, and conservation opportunities directed at reducing the state's carbon intensity. The department of environmental quality shall present the report to the legislative management by September 1, 2022.