

Introduced by

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:**

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

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
14 Salaries and wages	\$30,587,358	\$1,991,173	\$32,578,531
15 Operating expenses	9,962,180	917,718	10,879,898
16 Capital assets	1,263,429	(16,257)	1,247,172
17 Grants	15,861,529	(801,411)	15,060,118
18 Total all funds	\$57,674,496	\$2,091,223	\$59,765,719
19 Less estimated income	45,193,574	1,905,853	47,099,427
20 Total general fund	\$12,480,922	\$185,370	\$12,666,292
21 <u>Salaries and wages</u>	<u>\$30,587,358</u>	<u>\$1,964,459</u>	<u>\$32,551,817</u>
22 <u>Operating expenses</u>	<u>9,962,180</u>	<u>809,718</u>	<u>10,771,898</u>
23 <u>Capital assets</u>	<u>1,263,429</u>	<u>983,743</u>	<u>2,247,172</u>
24 <u>Grants</u>	<u>15,861,529</u>	<u>(801,411)</u>	<u>15,060,118</u>

1	<u>Total all funds</u>	<u>\$57,674,496</u>	<u>\$2,956,509</u>	<u>\$60,631,005</u>
2	<u>Less estimated income</u>	<u>45,193,574</u>	<u>1,776,356</u>	<u>46,969,930</u>
3	<u>Total general fund</u>	<u>\$12,480,922</u>	<u>\$1,180,153</u>	<u>\$13,661,075</u>
4	Full-time equivalent positions	165.50	0.50	166.00

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

7	<u>One-Time Funding Description</u>	<u>2019-21</u>	<u>2021-23</u>
8	Air pollution program equipment	\$1,040,000	\$0
9	Total estimated income	\$1,040,000	\$0
10	Air pollution program equipment	\$1,040,000	\$0
11	Laboratory information management system	0	1,000,000
12	Total all funds	\$1,040,000	\$1,000,000
13	Less estimated income	1,040,000	0
14	Total general fund	\$0	\$1,000,000

15 **SECTION 3. ESTIMATED INCOME - ENVIRONMENT AND RANGELAND PROTECTION**

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

19 **SECTION 4. ESTIMATED INCOME - PETROLEUM TANK RELEASE COMPENSATION**

20 **FUND.** The estimated income line item in section 1 of this Act includes the sum of up to
21 ~~\$773,787~~\$773,983 from the petroleum tank release compensation fund for expenses related to
22 the petroleum tank release program.

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

25 **23.1-16-10. Certificate of inspection - Certificate to be posted.**

26 The department shall issue a certificate of inspection for each boiler inspected upon receipt
27 of an inspection report certifying that the boiler is in a safe condition to be operated. The
28 department shall charge a fee of ~~twenty-three~~thirty-five dollars per year for each year that a certificate
29 is valid, or part of a year thereof, for each certificate of inspection issued as the result of
30 inspections authorized under sections 23.1-16-07 and 23.1-16-08. The fees are the liability of
31 the owner or user and must be paid in accordance with rules adopted by the department. A

1 certificate may not be issued for any boiler not in a safe condition to be operated or for a boiler
2 for which the inspection and certificate fees have not been paid in full. A certificate is not valid
3 for a period of more than thirty-six months for power boilers described in subsection 2 of section
4 23.1-16-07, and no more than twelve months for other power boilers, twelve months for steam
5 traction engines, and thirty-six months for low-pressure boilers except that a two-month grace
6 period may be extended for any certificate. Upon written request from a special inspector, the
7 chief boiler inspector may issue a short-term certificate. Each certificate of inspection must be
8 posted conspicuously under glass in the boiler room or adjacent to the boiler inspected.

9 **SECTION 6. LEGISLATIVE INTENT - FUNDING FOR WASTEWATER TESTING AND**
10 **LABORATORY INFORMATION MANAGEMENT SYSTEM - EMERGENCY COMMISSION**

11 **APPROVAL.** It is the intent of the sixty-seventh legislative assembly that the department of
12 environmental quality use federal COVID-19 relief funds ~~available~~or any funds for defraying the
13 expenses of wastewater testing. It is further the intent of the sixty-seventh legislative assembly
14 that the department of environmental quality use federal COVID-19 relief funds or other
15 available funds for defraying the expenses of the laboratory information management system
16 before accessing funding from the general fund ~~made available in the deficiency appropriation~~
17 ~~in House Bill No. 1025.~~ The department of environmental quality may seek emergency
18 commission approval to adjust the source of funds if a non-general fund source is identified.

19 **SECTION 7. LOW-CARBON FUTURE INITIATIVE - LEGISLATIVE MANAGEMENT**

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