

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1008

That the Senate recede from its amendments as printed on pages 1203-1206 of the House Journal and pages 964-967 of the Senate Journal and that Engrossed House Bill No. 1008 be amended as follows:

Page 1, line 2, replace "section" with "sections"

Page 1, line 2, after "49-01-05" insert "and 64-02-10"

Page 1, line 3, after "commissioners" insert "and fees to test or calibrate weighing and measuring devices"

Page 1, line 3, remove "a"

Page 1, line 4, replace "study" with "studies"

Page 1, line 4, after the second semicolon insert "to provide a statement of legislative intent;"

Page 1, replace lines 13 through 23 with:

"Salaries and wages	\$7,482,074	\$1,024,630	\$8,506,704
Accrued leave payments	0	168,278	168,278
Operating expenses	1,972,572	(77,010)	1,895,562
Capital assets	53,000	35,665	88,665
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
Reclamation and grain licensing litigation	0	<u>900,000</u>	<u>900,000</u>
Total all funds	\$18,423,646	\$2,055,563	\$20,479,209
Less estimated income	<u>12,403,431</u>	<u>984,038</u>	<u>13,387,469</u>
Total general fund	\$6,020,215	\$1,071,525	\$7,091,740
Full-time equivalent positions	43.00	1.00	44.00"

Page 2, after line 6, insert:

"Reclamation and grain licensing litigation	0	750,000"
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Page 2, replace lines 8 through 10 with:

"Total all funds	\$658,217	\$778,000
Total special funds	<u>658,217</u>	<u>353,920</u>
Total general fund	\$0	\$424,080"

Page 2, line 18, replace "ninety-eight" with "ninety-nine"

Page 2, line 19, replace "seventy-nine" with "thirty-five"

Page 2, line 19, replace the second "one" with "two"

Page 2, line 20, replace "thirty-three" with "eighteen"

Page 2, line 24, after "**STUDY**" insert "- **CIVIL PENALTIES**"

Page 2, remove lines 30 and 31

"SECTION 5. LEGISLATIVE MANAGEMENT STUDY - METROLOGY LABORATORY. The legislative management shall consider studying, during the 2013-14 interim, the feasibility and desirability of constructing a new metrology laboratory. 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 6. AMENDMENT. Section 64-02-10 of the North Dakota Century Code is amended and reenacted as follows:

64-02-10. Fees to test or calibrate weighing and measuring devices.

The commission shall collect the following fees to:

1.	Test railroad track or truck scale	\$171.00
2.	Test livestock and vehicle scale	—171.00
3.	Test livestock scale if the sales ring or buying station scale owner transports to the scale and furnishes all test weights and manpower needed to properly test the scale	—96.00
4.	Test auxiliary beam on livestock, motor truck, and motor truck dump scale	—24.00
5.	Test overhead monorail, track, hopper, dormant, deck, and hanging scale <u>of one thousand pounds [453 kilograms] or less capacity</u>	<u>53.00</u>
6.2.	Test movable platform scale	11.00
7.3.	Test counter or computing scale	11.00
8.4.	Test hanging scale of fifty pound [22.68 kilogram] capacity or less	11.00
9.5.	Test a retail motor fuel device	11.00
10.6.	Test or calibrate weighing and measuring standards, per metrologist, per quarter hour or fraction thereof	17.00
11.7.	Test mobile delivery gasoline and fuel oil meter	24.00
12.8.	Test gasoline, LPG, or fuel oil meter on common carrier pipelines, or any other meter used in loading railway cars, transports, or other conveyances	53.00

13.9.	Test propane, ag chemical, or liquid fertilizer meter	39.00
14.	Test crane scale	107.00
15.10.	Test or calibrate weighing and measuring devices other than the above and those set by rule, per inspector per quarter hour or fraction thereof	11.00
16.11.	Witnessing any of the above tests	Fifty percent of the applicable fee

When a rejected weighing or measuring device has been reconditioned or replaced by new equipment, it must be retested and certified before being put into use except as otherwise provided by rule. The fee for retest and certification is the same as for the first test and certification.

When a test of a weighing or measuring device is required in addition to the regularly scheduled test, the commission shall charge a fee equal to the cost of operating the motor vehicle used in conducting the test. The mileage charges, as determined by the commission, must be in addition to the regular test fee and calculated to cover the costs of the additional travel. If a test has been requested and the person requesting it fails to appear or to have the weighing or measuring device ready for testing at the arranged time, there is a charge of ten dollars a quarter hour for the time between the arranged time and the time at which the test can begin."

Page 3, line 12, after "**INSPECTOR**" insert "**AND PUBLIC UTILITY ANALYST**"

Page 3, line 13, replace "proceeds" with "proceed"

Page 3, line 14, replace "a" with "the"

Page 3, line 14, replace "position" with "and public utility analyst positions"

Page 3, line 14, replace "has" with "have"

Page 3, line 17, replace "This" with "Section 8 of this"

Re-number accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

House Bill No. 1008 - Public Service Commission - Conference Committee Action

	Executive Budget	House Version	Conference Committee Changes	Conference Committee Version	Senate Version	Comparison to Senate
Salaries and wages	\$8,659,244	\$8,256,625	\$250,079	\$8,506,704	\$8,780,747	(\$274,043)
Operating expenses	1,977,397	1,977,397	(81,835)	1,895,562	1,933,062	(37,500)
Capital assets	88,665	51,165	37,500	88,665	88,665	
Grants	20,000	20,000		20,000	20,000	
Abandoned mined lands contractual	8,000,000	8,000,000		8,000,000	8,000,000	
Rail rate complaint case	900,000	900,000		900,000	900,000	
Accrued leave payments		168,278		168,278		168,278
Reclamation & Grain Licensing Litigation			900,000	900,000	1,000,000	(100,000)
Total all funds	\$19,645,306	\$19,373,465	\$1,105,744	\$20,479,209	\$20,722,474	(\$243,265)
Less estimated income	13,082,083	12,995,259	392,210	13,387,469	13,526,719	(139,250)
General fund	\$6,563,223	\$6,378,206	\$713,534	\$7,091,740	\$7,195,755	(\$104,015)

FTE 43.00 43.00 1.00 44.00 44.00 0.00

Department No. 408 - Public Service Commission - Detail of Conference Committee Changes

	Removes House Changes to Executive Compensation Package ¹	Adjusts State Employee Compensation and Benefits Package ²	Adds Funding for Weights and Measures FTE Position ³	Adjusts Line Item Funding ⁴	Adjusts Funding for Litigation Costs ⁵	Total Conference Committee Changes
Salaries and wages	\$257,681	(\$105,765)	\$98,163			\$250,079
Operating expenses			105,665	(37,500)	(150,000)	(81,835)
Capital assets				37,500		37,500
Grants						
Abandoned mined lands contractual						
Rail rate complaint case						
Accrued leave payments						
Reclamation & Grain Licensing Litigation					900,000	900,000
Total all funds	\$257,681	(\$105,765)	\$203,828	\$0	\$750,000	\$1,105,744
Less estimated income	95,460	(39,250)	0	0	336,000	392,210
General fund	\$162,221	(\$66,515)	\$203,828	\$0	\$414,000	\$713,534
FTE	0.00	0.00	1.00	0.00	0.00	1.00

¹ Changes made by the House to the executive compensation package are removed.

² This amendment adjusts the state employee compensation and benefits package as follows:

- Reduces the performance component from 3 to 5 percent per year to 3 to 5 percent for the first year of the biennium and 2 to 4 percent for the second year of the biennium.
- Reduces the market component from 2 to 4 percent per year to 1 to 2 percent per year for employees below the midpoint of their salary range.
- Reduces funding for retirement contribution increases to provide for a 1 percent state and 1 percent employee increase beginning in January 2014 and no increase in January 2015.

³ This amendment adds 1 FTE weights and measures position and the related funding, the same as the Senate version.

⁴ This amendment does not restore the funding removed by the House for geographic information system and disk upgrades; however, it does adjust which line item the funding is removed from. The House removed the funding from the capital assets line item. The Senate restored the funding to the capital assets line item. The conference committee amendment restores the funding to the capital assets line item and removes it from the operating expenses line item.

⁵ A new line item is added for litigation costs. Funding of \$150,000, \$86,000 of which is from the general fund, is transferred from the operating expenses line item and \$750,000, \$414,000 of which is from the general fund, is added to provide a total of \$900,000, of which \$500,000 is from the general fund. The executive budget recommendation provided a total of \$150,000 for litigation funding, of which \$86,000 was from the general fund. The litigation line item includes funding for litigation costs relating to the enforcement of the Public Service Commission's coal mining and reclamation program; abandoned mine lands reclamation program; and grain warehouse, grain buyer, and hay buyer licensing and insolvencies. The \$750,000 of additional funds is one-time funding. The Senate added \$850,000, of which \$414,000 is from the general fund. The conference committee reduced the additional federal funds to \$364,000 to provide a total of \$900,000 for litigation costs.

This amendment also:

- Amends Section 64-02-10 relating to the fee schedule of the large scale weights and measures program. This change is estimated to result in a \$200,000 reduction of general fund revenue for the 2013-15 biennium, the same as the Senate version.

- Removes Section 5 added by the House which required the Public Service Commission to transfer information technology equipment to the Information Technology Department, the same as the Senate version.
- Adds provisions that the commission proceed in hiring the new public utility analyst position prior to July 1, 2013, the same as the Senate version.
- Changes Section 3 to reduce the Public Service Commissioners' salary increases from a 4 percent annual increase to a 4 percent increase on July 1, 2013, and a 3 percent increase on July 1, 2014. The House provided annual salary increases of 3 percent. The Senate provided annual salary increases of 4 percent, the same as the executive recommendation.
- Provides for a Legislative Management study of the feasibility and desirability of the construction of a metrology laboratory.