

**FIRST ENGROSSMENT
with Conference Committee Amendments
ENGROSSED SENATE BILL NO. 2008**

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 sections 49-01-05, 64-02-10, 64-02-13, and 64-02-13.1 of
3 the North Dakota Century Code, relating to the salary of public service commissioners and
4 testing of weighing and measuring devices; to provide for a legislative council study; to provide
5 for a report to the legislative assembly; and to provide for a report to the budget section.

6 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

7 **SECTION 1. BASE LEVEL FUNDING INFORMATION.** The amounts identified in this
8 section represent the base level funding component appropriated to the public service
9 commission in section 3 of this Act as follows:

10 Salaries and wages	\$5,122,832
11 Operating expenses	1,408,153
12 Capital assets	88,511
13 Grants	67,000
14 Abandoned mined lands contractual services	3,668,492
15 Rail rate complaint case	<u>945,000</u>
16 Total all funds - Base level	\$11,299,988
17 Less estimated income - Base level	<u>6,937,151</u>
18 Total general fund - Base level	\$4,362,837

19 **SECTION 2. FUNDING ADJUSTMENTS OR ENHANCEMENTS INFORMATION.** The
20 amounts identified in this section represent the funding adjustments or enhancements to the
21 base funding level for the public service commission which are included in the appropriation in
22 section 3 of this Act as follows:

23 Salaries and wages	\$558,150
24 Operating expenses	227,703

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1	Capital assets	69,473
2	Grants	(59,000)
3	Abandoned mined lands contractual services	831,508
4	Rail rate complaint case	<u>(45,000)</u>
5	Total all funds - Adjustments/enhancements	\$1,582,834
6	Less estimated income - Adjustments/enhancements	<u>1,068,231</u>
7	Total general fund - Adjustments/enhancements	\$514,603

8 **SECTION 3. APPROPRIATION.** The funds provided in this section, or so much of the
9 funds as may be necessary, are appropriated out of any moneys in the general fund in the state
10 treasury, not otherwise appropriated, and from special funds derived from federal funds and
11 other income, to the public service commission for the purpose of defraying the expenses of
12 that agency, for the biennium beginning July 1, 2007, and ending June 30, 2009, as follows:

13	Salaries and wages	\$5,680,982
14	Operating expenses	1,635,856
15	Capital assets	157,984
16	Grants	8,000
17	Abandoned mined lands contractual services	4,500,000
18	Rail rate complaint case	<u>900,000</u>
19	Total all funds	\$12,882,822
20	Less estimated income	<u>8,005,382</u>
21	Total general fund appropriation	\$4,877,440

22 **SECTION 4. EXEMPTION - LIMIT.** The amount of \$800,000 appropriated for the rail
23 rate complaint case from the beginning farmer revolving loan fund, as contained in section 3 of
24 chapter 8 of the 2005 Session Laws, is not subject to the provision of section 54-44.1-11. Any
25 unexpected funds from the rail rate complaint case line item are available for use for
26 expenditures relating to the rail rate complaint case. The \$800,000 appropriated in section 3 of
27 this Act from the beginning farmer revolving loan fund is limited to the amount of any unspent
28 beginning farmer revolving loan funds from the 2005-07 biennium appropriation, as contained
29 in section 3 of chapter 8 of the 2005 Session Laws.

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

1 **49-01-05. Salary of commissioners.** The annual salary of a commissioner is
2 ~~seventy-two~~ seventy-eight thousand ~~six~~ five hundred ~~sixty-nine~~ ninety-nine dollars through
3 June 30, ~~2006~~ 2008, and ~~seventy-five~~ eighty-one thousand ~~five~~ seven hundred ~~seventy-six~~
4 forty-three dollars thereafter. All fees received or charged by any commissioner for any act or
5 service rendered in any official capacity must be accounted for and paid over by the
6 commissioner monthly to the state treasurer and must be credited to the general fund of the
7 state.

8 **SECTION 6. AMENDMENT.** Section 64-02-10 of the North Dakota Century Code is
9 amended and reenacted as follows:

10 **64-02-10. Fees to test or calibrate weighing and measuring devices.** The
11 commission shall collect the following fees to:

12	1. Test railroad track or truck scale	\$171.00
13	2. Test livestock and vehicle scale	171.00
14	3. Test livestock scale if the sales	
15	ring or buying station scale owner	
16	transports to the scale and furnishes	
17	all test weights and manpower needed	
18	to properly test the scale	96.00
19	4. Test auxiliary beam on livestock,	
20	motor truck, and motor truck dump scale	24.00
21	5. Test overhead monorail, track, hopper,	
22	dormant, deck, and hanging scale	53.00
23	6. Test movable platform scale	11.00
24	7. Test counter or computing scale	11.00
25	8. Test hanging scale of fifty pound	
26	[22.68 kilogram] capacity	
27	or less	11.00
28	9. Test a retail motor fuel device	11.00
29	10. Test or calibrate weighing and measuring	
30	standards, per metrologist, per quarter	
31	hour or fraction thereof	17.00

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1	11.	Test mobile delivery gasoline and fuel	
2		oil meter	24.00
3	12.	Test gasoline, LPG, or fuel oil meter	
4		on common carrier pipelines, or any	
5		other meter used in loading railway cars,	
6		transports, or other conveyances	53.00
7	13.	Test propane, ag chemical, or	
8		liquid fertilizer meter	39.00
9	14.	Test crane scale	107.00
10	15.	Test or calibrate weighing and measuring	
11		devices other than the above and those	
12		set by rule; per inspector per quarter	
13		hour or fraction thereof	11.00
14	16.	Witnessing any of the above tests	Fifty percent of the applicable fee

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

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

27 **SECTION 7. AMENDMENT.** Section 64-02-13 of the North Dakota Century Code is
28 amended and reenacted as follows:

29 **64-02-13. Commission to test weighing or measuring devices annually.** The
30 commission may test or calibrate weighing or measuring devices ~~annually~~. The owner of any
31 weighing or measuring device used in this state is responsible for its accuracy and condition;

1 ~~and may have it tested annually, but must have it tested at least every fifteen months. The~~
2 public service commission shall determine the frequency of required testing for each category
3 of weighing and measuring device, which may not exceed twenty-four months. If upon testing
4 the weighing or measuring device is within the permitted tolerance, it must be sealed.
5 Inspections and testing of farm milk bulk tank equipment may be made only by the state dairy
6 department under section 4-30-18. Inspections and testing of oil and gas production meters
7 and measuring devices may be made only by or under the direction of the industrial
8 commission under section 38-08-04. If upon complaint the commission finds the weighing or
9 measuring device is within the permitted tolerance, the cost of the test, unless waived by the
10 commission, must be paid by the complainant; and in all other cases the cost of testing must be
11 paid by the owner of the equipment.

12 **SECTION 8. AMENDMENT.** Section 64-02-13.1 of the North Dakota Century Code is
13 amended and reenacted as follows:

14 **64-02-13.1. Exception from annual regularly scheduled test of weighing or**
15 **measuring device.** A weighing or measuring device used to conduct sales by a transient
16 vendor is exempt from this chapter.

17 **SECTION 9. LEGISLATIVE COUNCIL STUDY - REAL ESTATE AUCTIONS.** The
18 legislative council shall consider studying, during the 2007-08 interim, the practices and laws
19 relating to the sale of real estate by auctioneers. The study must include a review of the sale of
20 multiple parcels of property at a single sale. The legislative council shall report its finding and
21 recommendations, together with any legislation required to implement the recommendations, to
22 the sixty-first legislative assembly.

23 **SECTION 10. GEOGRAPHIC INFORMATION SYSTEM INITIATIVE - REPORT TO**
24 **SIXTY-FIRST LEGISLATIVE ASSEMBLY.** The public service commission shall provide a
25 report to the sixty-first legislative assembly regarding the status of the department's geographic
26 information system initiative.

27 **SECTION 11. METROLOGY PROGRAM - REPORT TO BUDGET SECTION.** The
28 public service commission and facility management division shall develop a schedule for
29 metrology services to be conducted within the current metrology facility and when the facility
30 can be used for other functions during the 2007-09 biennium. The public service commission
31 and facility management division shall provide a report regarding the facility use agreement and

1 the future of the metrology laboratory to the office of management and budget and budget
2 section by July 1, 2008.

3 **SECTION 12. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO**
4 **SIXTY-FIRST LEGISLATIVE ASSEMBLY.** The total general fund appropriation line item in
5 section 3 of this Act includes \$89,484 for the one-time funding items identified in this section.
6 This amount is not a part of the agency's base budget to be used in preparing the 2009-11
7 executive budget. The public service commission shall report to the appropriations committees
8 of the sixty-first legislative assembly on the use of this one-time funding for the biennium
9 beginning July 1, 2007, and ending June 30, 2009.

10	Weights and measures equipment	\$39,000
11	Videoconferencing equipment	20,000
12	Prover	<u>30,484</u>
13	Total	\$89,484