

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2008

That the House recede from its amendments as printed on pages 1125-1127 of the Senate Journal and pages 1167-1169 of the House Journal and that Engrossed Senate Bill No. 2008 be amended as follows:

Page 1, line 2, remove the first "and", replace "section" with "sections", and after "49-01-05" insert ", 64-02-10, 64-02-13, and 64-02-13.1"

Page 1, line 3, after "commissioners" insert "and testing of weighing and measuring devices; to provide for a legislative council study; to provide for a report to the legislative assembly; and to provide for a report to the budget section"

Page 1, line 21, replace "642,032" with "558,150"

Page 1, line 22, replace "220,048" with "227,703"

Page 1, line 23, replace "49,473" with "69,473"

Page 2, line 2, replace "(945,000)" with "(45,000)"

Page 2, remove line 3

Page 2, line 4, replace "1,639,061" with "1,582,834"

Page 2, line 6, replace "570,830" with "514,603"

Page 2, line 12, replace "5,764,864" with "5,680,982"

Page 2, line 13, replace "1,628,201" with "1,635,856"

Page 2, line 14, replace "137,984" with "157,984"

Page 2, line 17, replace "Agriculture rail rate and service fund" with "Rail rate complaint case"

Page 2, line 18, replace "12,939,049" with "12,882,822"

Page 2, line 20, replace "4,933,667" with "4,877,440"

Page 2, line 25, remove "agriculture" and replace "and service fund" with "complaint case"

Page 3, after line 7, insert:

"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	53.00
6.	Test movable platform scale	11.00
7.	Test counter or computing scale	11.00
8.	Test hanging scale of fifty pound [22.68 kilogram] capacity or less	11.00
9.	Test a retail motor fuel device	11.00
10.	Test or calibrate weighing and measuring standards, per metrologist, per quarter hour or fraction thereof	17.00
11.	Test mobile delivery gasoline and fuel oil meter	24.00
12.	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.	Test propane, ag chemical, or liquid fertilizer meter	39.00
14.	Test crane scale	107.00
15.	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.	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 annual 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. Where 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.

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

64-02-13. Commission to test weighing or measuring devices annually. The commission may test or calibrate weighing or measuring devices ~~annually~~. The owner of any weighing or measuring device used in this state is responsible for its accuracy and condition, ~~and may have it tested annually, but must have it tested at least every fifteen months.~~ The public service commission shall determine the frequency of required testing for each category of weighing and measuring device, which may not exceed twenty-four months. If upon testing the weighing or measuring device is within the permitted tolerance, it must be sealed. Inspections and testing of farm milk bulk tank equipment may be made only by the state dairy department under section 4-30-18. Inspections and testing of oil and gas production meters and measuring devices may be made only by or under the direction of the industrial commission under section 38-08-04. If upon complaint the commission finds the weighing or measuring device is within the permitted tolerance, the cost of the test, unless waived by the commission, must be paid by the complainant; and in all other cases the cost of testing must be paid by the owner of the equipment.

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

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

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

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

SECTION 11. METROLOGY PROGRAM - REPORT TO BUDGET SECTION. The public service commission and facility management division shall develop a schedule for metrology services to be conducted within the current metrology facility and when the facility can be used for other functions during the 2007-09 biennium. The public service commission and facility management division shall provide a report regarding the facility use agreement and the future of the metrology laboratory to the office of management and budget and budget section by July 1, 2008.

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

Weights and measures equipment	\$39,000
Videoconferencing equipment	20,000

Prover
Total

30,484
\$89,484"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2008 - Public Service Commission - Conference Committee Action

	EXECUTIVE BUDGET	SENATE VERSION	CONFERENCE COMMITTEE CHANGES	CONFERENCE COMMITTEE VERSION	HOUSE VERSION	COMPARISON TO HOUSE
Salaries and wages	\$5,764,864	\$5,764,864	(\$83,882)	\$5,680,982	\$5,680,982	
Operating expenses	1,628,201	1,628,201	7,655	1,635,856	1,584,065	\$51,791
Capital assets	107,500	137,984	20,000	157,984	118,984	39,000
Grants	8,000	8,000		8,000	8,000	
Abandoned mined lands contractual services	4,500,000	4,500,000		4,500,000	4,500,000	
Agriculture rail rate and service fund	900,000	900,000	(900,000)			
Rail rate complaint case			900,000	900,000	495,000	405,000
Total all funds	\$12,908,565	\$12,939,049	(\$56,227)	\$12,882,822	\$12,387,031	\$495,791
Less estimated income	8,005,382	8,005,382		8,005,382	7,600,382	405,000
General fund	\$4,903,183	\$4,933,667	(\$56,227)	\$4,877,440	\$4,786,649	\$90,791
FTE	42.00	42.00	(1.00)	41.00	41.00	0.00

Dept. 408 - Public Service Commission - Detail of Conference Committee Changes

	REMOVES 1 FTE WEIGHTS AND MEASURES INSPECTOR POSITION ¹	ADDS FUNDING FOR METROLOGY PROGRAM ²	CHANGES FUNDING TO RAIL RATE COMPLAINT CASE ³	TOTAL CONFERENCE COMMITTEE CHANGES
Salaries and wages	(\$83,882)			(\$83,882)
Operating expenses	(36,945)	\$44,600		7,655
Capital assets		20,000		20,000
Grants				
Abandoned mined lands contractual services				
Agriculture rail rate and service fund			(\$900,000)	(900,000)
Rail rate complaint case			900,000	900,000
Total all funds	(\$120,827)	\$64,600	\$0	(\$56,227)
Less estimated income				
General fund	(\$120,827)	\$64,600	\$0	(\$56,227)
FTE	(1.00)	0.00	0.00	(1.00)

¹ The House removed 1 FTE weights and measures inspector position and related funding for salaries and wages, travel, and equipment. The conference committee agreed to eliminate the position but restored \$39,000 for equipment and \$18,791 for travel costs.

² The House provided \$31,600 of additional funding for costs to continue the state metrology program and provided that the \$30,000 of funding in the budget to have weights and measures equipment calibrated by Minnesota for National Institute of Standards and Technology-recognized services instead be applied to costs necessary to maintain the state program. The conference committee appropriated an additional \$33,000 for operating costs to maintain the weights and measures program.

³ The conference committee authorized \$800,000 from the beginning farmer revolving loan fund and \$100,000 from other funds for a rail rate complaint case rather than the agriculture rail rate and service fund.

The House added a section identifying one-time funding included in the budget and providing for a report to the 61st Legislative Assembly on the agency's use of the one-time funding. The conference committee agreed with the House action.

The House added a section providing for the Legislative Assembly to provide a report to the 61st Legislative Assembly regarding the department's geographic information system initiative. The conference committee agreed with the House action.

The conference committee added a section providing for the Legislative Council to consider studying the practices and laws relating to the sale of real estate by auctioneers.

The conference committee added a section providing for the Public Service Commission to develop a plan for the use of the metrology laboratory building and to provide a report to the Budget Section and the Office of Management and Budget regarding the future of the metrology program.

The conference committee changed the requirement that weighing and measuring devices be tested every 15 months to a frequency as determined by the Public Service Commission, not to exceed 24 months. The required frequency for testing may vary depending on the type of weights and measures device.