

**Sixtieth Legislative Assembly of North Dakota  
In Regular Session Commencing Wednesday, January 3, 2007**

SENATE BILL NO. 2008  
(Appropriations Committee)  
(At the request of the Governor)

AN ACT to provide an appropriation for defraying the expenses of the public service commission; to amend and reenact sections 49-01-05, 64-02-10, 64-02-13, and 64-02-13.1 of the North Dakota Century Code, relating to the salary of public service commissioners 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.

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

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

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

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

Salaries and wages	\$558,150
Operating expenses	227,703
Capital assets	69,473
Grants	(59,000)
Abandoned mined lands contractual services	831,508
Rail rate complaint case	<u>(45,000)</u>
Total all funds - Adjustments/enhancements	\$1,582,834
Less estimated income - Adjustments/enhancements	<u>1,068,231</u>
Total general fund - Adjustments/enhancements	\$514,603

**SECTION 3. 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 public service commission for the purpose of defraying the expenses of that agency, for the biennium beginning July 1, 2007, and ending June 30, 2009, as follows:

Salaries and wages	\$5,680,982
Operating expenses	1,635,856
Capital assets	157,984
Grants	8,000
Abandoned mined lands contractual services	4,500,000

Rail rate complaint case	900,000
Total all funds	\$12,882,822
Less estimated income	<u>8,005,382</u>
Total general fund appropriation	\$4,877,440

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

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

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

**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:

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|---|----------|
| 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	<u>30,484</u>
Total	\$89,484

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President of the Senate

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Speaker of the House

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Secretary of the Senate

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Chief Clerk of the House

This certifies that the within bill originated in the Senate of the Sixtieth Legislative Assembly of North Dakota and is known on the records of that body as Senate Bill No. 2008.

Senate Vote:    Yeas    44        Nays    0        Absent    3

House Vote:    Yeas    93        Nays    0        Absent    1

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Secretary of the Senate

Received by the Governor at \_\_\_\_\_ M. on \_\_\_\_\_, 2007.

Approved at \_\_\_\_\_ M. on \_\_\_\_\_, 2007.

\_\_\_\_\_  
Governor

Filed in this office this \_\_\_\_\_ day of \_\_\_\_\_, 2007,

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Secretary of State