

March 26, 2013

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1008

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; to provide for a statement of legislative intent"

Page 1, line 4, remove "to authorize a transfer;"

Page 1, replace lines 13 through 16 with:

"Salaries and wages	\$7,482,074	\$1,298,673	\$8,780,747
Operating expenses	1,972,572	(39,510)	1,933,062
Capital assets	53,000	35,665	88,665"

Page 1, replace line 19 through 23 with:

"Rail rate complaint case	900,000	0	900,000
Reclamation and grain licensing litigation	<u>0</u>	<u>1,000,000</u>	<u>1,000,000</u>
Total all funds	\$18,423,646	\$2,298,828	\$20,722,474
Less estimated income	<u>12,403,431</u>	<u>1,123,288</u>	<u>13,526,719</u>
Total general fund	\$6,020,215	\$1,175,540	\$7,195,755
Full-time equivalent positions	43.00	1.00	44.00"

Page 2, replace line 7 though 10 with:

"Hydraulic soil probe	0	28,000
Reclamation and grain licensing litigation	<u>0</u>	<u>1,000,000</u>
Total all funds	\$658,217	\$1,028,000
Total special funds	<u>658,217</u>	<u>517,920</u>
Total general fund	\$0	\$510,080"

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 "one" with "three"

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

Page 2, remove lines 30 and 31

Page 3, remove lines 1 and 2

Page 3, after line 11, 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 of <u>1,000 pounds [453 kilograms] or less capacity</u>	53.00
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, after "inspector" insert "and public utility analyst"

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

Page 3, line 17, replace "This" with "Section 7 of this"

Re-number accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

House Bill No. 1008 - Public Service Commission - Senate Action

	Executive Budget	House Version	Senate Changes	Senate Version
Salaries and wages	\$8,659,244	\$8,256,625	\$524,122	\$8,780,747
Operating expenses	1,977,397	1,977,397	(44,335)	1,933,062
Capital assets	88,665	51,165	37,500	88,665
Grants	20,000	20,000		20,000
Abandoned mined lands contractual	8,000,000	8,000,000		8,000,000
Rail rate complaint case	900,000	900,000		900,000
Accrued leave payments		168,278	(168,278)	
Reclamation & Grain Licensing Litigation			1,000,000	1,000,000
Total all funds	\$19,645,306	\$19,373,465	\$1,349,009	\$20,722,474
Less estimated income	13,082,083	12,995,259	531,460	13,526,719
General fund	\$6,563,223	\$6,378,206	\$817,549	\$7,195,755
FTE	43.00	43.00	1.00	44.00

Department No. 408 - Public Service Commission - Detail of Senate Changes

	Restores Executive Compensation Package ¹	Removes Separate Line Item for Accrued Leave Payments ²	Adds Funding for Weights and Measures FTE Position ³	Restores Funding for Capital Assets ⁴	Adds Funding for Litigation Costs ⁵	Total Senate Changes
Salaries and wages	\$257,681	\$168,278	\$98,163			\$524,122
Operating expenses			105,665		(150,000)	(44,335)
Capital assets				37,500		37,500
Grants						
Abandoned mined lands contractual						
Rail rate complaint case						
Accrued leave payments		(168,278)				(168,278)
Reclamation & Grain Licensing Litigation					1,000,000	1,000,000
Total all funds	\$257,681	\$0	\$203,828	\$37,500	\$850,000	\$1,349,009
Less estimated income	95,460	0	0	0	436,000	531,460
General fund	\$162,221	\$0	\$203,828	\$37,500	\$414,000	\$817,549

FTE

0.00

0.00

1.00

0.00

0.00

1.00

¹ Funding reductions made by the House to the state employee compensation and benefits package are restored to the Governor's recommended level.

² The accrued leave payments line item added by the House is removed and the associated funding returned to line items with salaries and wages funding.

³ This amendment adds one FTE weights and measures position and the related funding.

⁴ This amendment restores the funding removed by the House for disk upgrades and the GIS server.

⁵ A new line item of one-time funding 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 \$850,000, \$414,000 of which is from the general fund is added to provide a total of \$1,000,000, 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.

This amendment also:

- Amends North Dakota Century Code 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.
- Removes Section 5 added by the House which required the Public Service Commission to transfer information technology equipment to the Information Technology Department.
- Adds provisions that the commission proceed in hiring the new public utility analyst position prior to July 1, 2013.
- The Public Service Commission's salaries are adjusted to provide the commissioners a 4 percent increase in salary on July 1, 2013, and a 4 percent increase on July 1, 2014, the same as the executive budget recommendation. The House provided for 3 percent annual increases.