

Sixty-third
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1008

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 ~~section~~sections 49-01-05 and 64-02-10 of the North Dakota
3 Century Code, relating to the salary of public service commissioners and fees to test or
4 calibrate weighing and measuring devices; to provide for ~~a~~ legislative management
5 ~~study~~studies; to authorize a transfer; to provide a statement of legislative intent; and to declare
6 an emergency.

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

8 **SECTION 1. APPROPRIATION.** The funds provided in this section, or so much of the funds
9 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, 2013, and ending June 30, 2015, as follows:

| | Base Level | Adjustments or Enhancements | Appropriation |
|---|-------------------------|--------------------------------|-------------------------|
| 15 Salaries and wages | \$7,482,074 | \$774,551 | \$8,256,625 |
| 16 Accrued leave payments | 0 | 168,278 | 168,278 |
| 17 Operating expenses | 1,972,572 | 4,825 | 1,977,397 |
| 18 Capital assets | 53,000 | (1,835) | 51,165 |
| 19 Grants | 16,000 | 4,000 | 20,000 |
| 20 Abandoned mined lands contractual | 8,000,000 | 0 | 8,000,000 |
| 21 Rail rate complaint case | 900,000 | 0 | 900,000 |
| 22 Total all funds | \$18,423,646 | \$949,819 | \$19,373,465 |
| 23 Less estimated income | 12,403,431 | 591,828 | 12,995,259 |

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| | | | | |
|----|--|--------------|-------------|--------------|
| 1 | Total general fund | \$6,020,215 | \$357,991 | \$6,378,206 |
| 2 | Full-time equivalent positions | 43.00 | 0.00 | 43.00 |
| 3 | Salaries and wages | \$7,482,074 | \$1,024,630 | \$8,506,704 |
| 4 | Accrued leave payments | 0 | 168,278 | 168,278 |
| 5 | Operating expenses | 1,972,572 | (77,010) | 1,895,562 |
| 6 | Capital assets | 53,000 | 35,665 | 88,665 |
| 7 | Grants | 16,000 | 4,000 | 20,000 |
| 8 | Abandoned mined lands contractual | 8,000,000 | 0 | 8,000,000 |
| 9 | Rail rate complaint case | 900,000 | 0 | 900,000 |
| 10 | Reclamation and grain licensing litigation | 0 | 900,000 | 900,000 |
| 11 | Total all funds | \$18,423,646 | \$2,055,563 | \$20,479,209 |
| 12 | Less estimated income | 12,403,431 | 984,038 | 13,387,469 |
| 13 | Total general fund | \$6,020,215 | \$1,071,525 | \$7,091,740 |
| 14 | Full-time equivalent positions | 43.00 | 1.00 | 44.00 |

SECTION 2. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO

SIXTY-FOURTH LEGISLATIVE ASSEMBLY. The following amounts reflect the one-time funding items approved by the sixty-second legislative assembly for the 2011-13 biennium and the 2013-15 one-time funding items included in the appropriation in section 1 of this Act:

| 19 | One-Time Funding Description | 2011-13 | 2013-15 |
|----|--|-----------|-----------|
| 20 | Federal stimulus funds | \$658,217 | \$0 |
| 21 | Reclamation and grain licensing litigation | 0 | 750,000 |
| 22 | Hydraulic soil probe | 0 | 28,000 |
| 23 | Total all funds | \$658,217 | \$28,000 |
| 24 | Total special funds | 658,217 | 17,920 |
| 25 | Total general fund | \$0 | \$10,080 |
| 26 | Total all funds | \$658,217 | \$778,000 |
| 27 | Total special funds | 658,217 | 353,920 |
| 28 | Total general fund | \$0 | \$424,080 |

29 The 2013-15 one-time funding amounts are not a part of the entity's base budget for the
30 2015-17 biennium. The public service commission shall report to the appropriations committees

1 of the sixty-fourth legislative assembly on the use of this one-time funding for the biennium
2 beginning July 1, 2013, and ending June 30, 2015.

3 **SECTION 3. AMENDMENT.** Section 49-01-05 of the North Dakota Century Code is
4 amended and reenacted as follows:

5 **49-01-05. Salary of commissioners.**

6 The annual salary of a commissioner is ~~ninety-two~~~~ninety-eight~~~~ninety-nine~~ thousand
7 ~~eight~~~~four~~ hundred ~~twenty-six~~~~seventy-nine~~~~thirty-five~~ dollars through June 30, ~~2012~~~~2014~~, and
8 ~~ninety-five~~~~one~~ hundred ~~one~~~~two~~ thousand ~~six~~~~four~~ hundred ~~eleven~~~~thirty-three~~~~eighteen~~ dollars
9 thereafter. All fees received or charged by any commissioner for any act or service rendered in
10 any official capacity must be accounted for and paid over by the commissioner monthly to the
11 state treasurer and must be credited to the general fund of the state.

12 **SECTION 4. LEGISLATIVE MANAGEMENT STUDY - CIVIL PENALTIES.** The legislative
13 management shall consider studying, during the 2013-14 interim, civil penalties assessed and
14 collected by state agencies, including a review of the funds into which the collections are
15 deposited and the appropriateness of the use of funds collected. The legislative management
16 shall report its findings and recommendations, together with any legislation required to
17 implement the recommendations, to the sixty-fourth legislative assembly.

18 ~~—SECTION 5. INFORMATION TECHNOLOGY HARDWARE – TRANSFER TO SECURE~~
19 ~~DATA CENTER. The public service commission shall transfer all appropriate information~~
20 ~~technology hardware to the information technology department secure data center during the~~
21 ~~biennium beginning July 1, 2013, and ending June 30, 2015.~~

22 **SECTION 5. LEGISLATIVE MANAGEMENT STUDY - METROLOGY LABORATORY.** The
23 legislative management shall consider studying, during the 2013-14 interim, the feasibility and
24 desirability of constructing a new metrology laboratory. The legislative management shall report
25 its findings and recommendations, together with any legislation required to implement the
26 recommendations, to the sixty-fourth legislative assembly.

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

29 **64-02-10. Fees to test or calibrate weighing and measuring devices.**

30 The commission shall collect the following fees to:

- 31 1. ~~Test railroad track or truck scale~~ ~~_____~~ ~~\$171.00~~

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| | | |
|----|---|--------|
| 1 | 2. Test livestock and vehicle scale | 171.00 |
| 2 | 3. Test livestock scale if the sales | |
| 3 | ring or buying station scale owner | |
| 4 | transports to the scale and furnishes | |
| 5 | all test weights and manpower needed | |
| 6 | to properly test the scale | 96.00 |
| 7 | 4. Test auxiliary beam on livestock, | |
| 8 | motor truck, and motor truck dump scale | 24.00 |
| 9 | 5. Test overhead monorail, track, hopper, | |
| 10 | dormant, deck, and hanging scale <u>of one thousand</u> | |
| 11 | <u>pounds [453 kilograms] or less capacity</u> | 53.00 |
| 12 | 6.2. Test movable platform scale | 11.00 |
| 13 | 7.3. Test counter or computing scale | 11.00 |
| 14 | 8.4. Test hanging scale of fifty pound | |
| 15 | [22.68 kilogram] capacity | |
| 16 | or less | 11.00 |
| 17 | 9.5. Test a retail motor fuel device | 11.00 |
| 18 | 10.6. Test or calibrate weighing and measuring | |
| 19 | standards, per metrologist, per quarter | |
| 20 | hour or fraction thereof | 17.00 |
| 21 | 11.7. Test mobile delivery gasoline and fuel | |
| 22 | oil meter | 24.00 |
| 23 | 12.8. Test gasoline, LPG, or fuel oil meter | |
| 24 | on common carrier pipelines, or any | |
| 25 | other meter used in loading railway cars, | |
| 26 | transports, or other conveyances | 53.00 |
| 27 | 13.9. Test propane, ag chemical, or | |
| 28 | liquid fertilizer meter | 39.00 |
| 29 | 14. Test crane scale | 107.00 |
| 30 | 15.10. Test or calibrate weighing and measuring | |
| 31 | devices other than the above and those | |

1 set by rule, per inspector per quarter

2 hour or fraction thereof 11.00

3 ~~16.11.~~ Witnessing any of the above tests Fifty percent of the applicable fee

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

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

16 **SECTION 7. TRANSFER AND REPAYMENT - BEGINNING FARMER REVOLVING LOAN**

17 **FUND.** The sum of \$900,000, or so much of the sum as may be necessary, included in the
18 estimated income line item in section 1 of this Act, shall be transferred by the Bank of North
19 Dakota from the beginning farmer revolving loan fund to the public service commission to pay
20 for costs associated with a rail rate complaint case. Transfers shall be made during the
21 biennium beginning July 1, 2013, and ending June 30, 2015, upon order of the commission. If
22 any amounts are spent pursuant to this section, the public service commission shall reimburse
23 the beginning farmer revolving loan fund using amounts available from damages or proceeds
24 received, net of legal fees, from a successful outcome of a rail complaint case.

25 **SECTION 8. LEGISLATIVE INTENT - GAS PIPELINE SAFETY INSPECTOR AND**

26 **PUBLIC UTILITY ANALYST.** It is the intent of the legislative assembly that the public service
27 commission ~~proceeds~~proceed in the hiring process of ~~at~~the gas pipeline safety inspector
28 ~~position and public utility analyst positions~~ that ~~has~~have been repurposed in the commission's
29 2013-15 biennium budget from the weights and measures program prior to June 30, 2013.

30 **SECTION 9. EMERGENCY.** ~~This~~Section 8 of this Act is declared to be an emergency
31 measure.