

**FIRST ENGROSSMENT
with Senate Amendments
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 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 statement of legislative intent; to
5 provide for a legislative management study; and to declare an emergency.

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

7 **SECTION 1. APPROPRIATION.** The funds provided in this section, or so much of the funds
8 as may be necessary, are appropriated out of any moneys in the general fund in the state
9 treasury, not otherwise appropriated, and from special funds derived from federal funds and
10 other income, to the public service commission for the purpose of defraying the expenses of
11 that agency, for the biennium beginning July 1, 2013, and ending June 30, 2015, as follows:

	<u>Base Level</u>	Adjustments or <u>Enhancements</u>	<u>Appropriation</u>
14 Salaries and wages	\$7,482,074	\$1,298,673	\$8,780,747
15 Operating expenses	1,972,572	(39,510)	1,933,062
16 Capital assets	53,000	35,665	88,665
17 Grants	16,000	4,000	20,000
18 Abandoned mined lands contractual	8,000,000	0	8,000,000
19 <u>Rail rate complaint case</u>	<u>900,000</u>	0	900,000
20 <u>Reclamation and grain licensing litigation</u>	0	1,000,000	1,000,000
21 Total all funds	\$18,423,646	\$2,298,828	\$20,722,474
22 Less estimated income	<u>12,403,431</u>	<u>1,123,288</u>	<u>13,526,719</u>
23 Total general fund	\$6,020,215	\$1,175,540	\$7,195,755
24 Full-time equivalent positions	43.00	1.00	44.00

1 **SECTION 2. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO**
2 **SIXTY-FOURTH LEGISLATIVE ASSEMBLY.** The following amounts reflect the one-time
3 funding items approved by the sixty-second legislative assembly for the 2011-13 biennium and
4 the 2013-15 one-time funding items included in the appropriation in section 1 of this Act:

5	<u>One-Time Funding Description</u>	<u>2011-13</u>	<u>2013-15</u>
6	Federal stimulus funds	\$658,217	\$0
7	Hydraulic soil probe	0	28,000
8	Reclamation and grain licensing litigation	0	1,000,000
9	Total all funds	\$658,217	\$1,028,000
10	Total special funds	<u>658,217</u>	<u>517,920</u>
11	Total general fund	\$0	\$510,080

12 The 2013-15 one-time funding amounts are not a part of the entity's base budget for the
13 2015-17 biennium. The public service commission shall report to the appropriations committees
14 of the sixty-fourth legislative assembly on the use of this one-time funding for the biennium
15 beginning July 1, 2013, and ending June 30, 2015.

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

18 **49-01-05. Salary of commissioners.**

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

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

1 **SECTION 5. TRANSFER AND REPAYMENT - BEGINNING FARMER REVOLVING LOAN**

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

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

12 **64-02-10. Fees to test or calibrate weighing and measuring devices.**

13 The commission shall collect the following fees to:

14	1. Test railroad track or truck scale	\$171.00
15	2. Test livestock and vehicle scale	-171.00
16	3. Test livestock scale if the sales	
17	ring or buying station scale owner	
18	transports to the scale and furnishes	
19	all test weights and manpower needed	
20	to properly test the scale	-96.00
21	4. Test auxiliary beam on livestock,	
22	motor truck, and motor truck dump scale	-24.00
23	5. Test overhead monorail, track, hopper,	
24	dormant, deck, and hanging scale of 1,000	
25	pounds [453 kilograms] or less capacity	53.00
26	6.2. Test movable platform scale	11.00
27	7.3. Test counter or computing scale	11.00
28	8.4. Test hanging scale of fifty pound	
29	[22.68 kilogram] capacity	
30	or less	11.00
31	9.5. Test a retail motor fuel device	11.00

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1	10.6.	Test or calibrate weighing and measuring	
2		standards, per metrologist, per quarter	
3		hour or fraction thereof	17.00
4	11.7.	Test mobile delivery gasoline and fuel	
5		oil meter	24.00
6	12.8.	Test gasoline, LPG, or fuel oil meter	
7		on common carrier pipelines, or any	
8		other meter used in loading railway cars,	
9		transports, or other conveyances	53.00
10	13.9.	Test propane, ag chemical, or	
11		liquid fertilizer meter	39.00
12	14.	Test crane scale	-107.00
13	15.10.	Test or calibrate weighing and measuring	
14		devices other than the above and those	
15		set by rule, per inspector per quarter	
16		hour or fraction thereof	11.00
17	16.11.	Witnessing any of the above tests	Fifty percent of the applicable fee
18		When a rejected weighing or measuring device has been reconditioned or replaced by new	
19		equipment, it must be retested and certified before being put into use except as otherwise	
20		provided by rule. The fee for retest and certification is the same as for the first test and	
21		certification.	

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

30 **SECTION 7. LEGISLATIVE INTENT - GAS PIPELINE SAFETY INSPECTOR AND**
31 **PUBLIC UTILITY ANALYST.** It is the intent of the legislative assembly that the public service

1 commission proceed in the hiring process of a gas pipeline safety inspector and public utility
2 analyst position that have been repurposed in the commission's 2013-15 biennium budget from
3 the weights and measures program prior to June 30, 2013.

4 **SECTION 8. EMERGENCY.** Section 7 of this Act is declared to be an emergency measure.