

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 statement of legislative intent; to
5 provide for a legislative management study; ~~to authorize a transfer~~; and to declare an
6 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 <u>Salaries and wages</u>	<u>\$7,482,074</u>	<u>\$1,298,673</u>	<u>\$8,780,747</u>
20 <u>Operating expenses</u>	<u>1,972,572</u>	<u>(39,510)</u>	<u>1,933,062</u>
21 <u>Capital assets</u>	<u>53,000</u>	<u>35,665</u>	<u>88,665</u>
22 Grants	16,000	4,000	20,000
23 Abandoned mined lands contractual	8,000,000	0	8,000,000
24 Rail rate complaint case	900,000	0	900,000

Sixty-third
Legislative Assembly

1	Total all funds	\$18,423,646	\$949,819	\$19,373,465
2	Less estimated income	12,403,431	591,828	12,995,259
3	Total general fund	\$6,020,215	\$357,991	\$6,378,206
4	Full-time equivalent positions	43.00	0.00	43.00
5	Rail rate complaint case	900,000	0	900,000
6	Reclamation and grain licensing litigation	0	1,000,000	1,000,000
7	Total all funds	\$18,423,646	\$2,298,828	\$20,722,474
8	Less estimated income	12,403,431	1,123,288	13,526,719
9	Total general fund	\$6,020,215	\$1,175,540	\$7,195,755
10	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:

15	<u>One-Time Funding Description</u>	<u>2011-13</u>	<u>2013-15</u>
16	Federal stimulus funds	\$658,217	\$0
17	Hydraulic soil probe	0	28,000
18	_____	_____	_____
19	Total special funds	658,217	17,920
20	Total general fund	\$0	\$10,080
21	Hydraulic soil probe	0	28,000
22	Reclamation and grain licensing litigation	0	1,000,000
23	Total all funds	\$658,217	\$1,028,000
24	Total special funds	658,217	517,920
25	Total general fund	\$0	\$510,080

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

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

1 **49-01-05. Salary of commissioners.**

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

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

14 ~~**SECTION 5. INFORMATION TECHNOLOGY HARDWARE -- TRANSFER TO SECURE-**~~
15 ~~**DATA CENTER.** The public service commission shall transfer all appropriate information-~~
16 ~~technology hardware to the information technology department secure data center during the~~
17 ~~biennium beginning July 1, 2013, and ending June 30, 2015.~~

18 **SECTION 5. TRANSFER AND REPAYMENT - BEGINNING FARMER REVOLVING LOAN**
19 **FUND.** The sum of \$900,000, or so much of the sum as may be necessary, included in the
20 estimated income line item in section 1 of this Act, shall be transferred by the Bank of North
21 Dakota from the beginning farmer revolving loan fund to the public service commission to pay
22 for costs associated with a rail rate complaint case. Transfers shall be made during the
23 biennium beginning July 1, 2013, and ending June 30, 2015, upon order of the commission. If
24 any amounts are spent pursuant to this section, the public service commission shall reimburse
25 the beginning farmer revolving loan fund using amounts available from damages or proceeds
26 received, net of legal fees, from a successful outcome of a rail complaint case.

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~~

Sixty-third
Legislative Assembly

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 1,000</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. LEGISLATIVE INTENT - GAS PIPELINE SAFETY INSPECTOR AND**
17 **PUBLIC UTILITY ANALYST.** It is the intent of the legislative assembly that the public service
18 commission ~~proceeds~~proceed in the hiring process of a gas pipeline safety inspector and public
19 utility analyst position that ~~has~~have been repurposed in the commission's 2013-15 biennium
20 budget from the weights and measures program prior to June 30, 2013.

21 **SECTION 8. EMERGENCY.** ~~This~~Section 7 of this Act is declared to be an emergency
22 measure.