

**FIRST ENGROSSMENT  
with Conference Committee 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 legislative management studies; to  
5 authorize a transfer; to provide a statement of legislative intent; 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>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
14 Salaries and wages	\$7,482,074	\$1,024,630	\$8,506,704
15 Accrued leave payments	0	168,278	168,278
16 Operating expenses	1,972,572	(77,010)	1,895,562
17 Capital assets	53,000	35,665	88,665
18 Grants	16,000	4,000	20,000
19 Abandoned mined lands contractual	8,000,000	0	8,000,000
20 Rail rate complaint case	900,000	0	900,000
21 Reclamation and grain licensing litigation	<u>0</u>	<u>900,000</u>	<u>900,000</u>
22 Total all funds	\$18,423,646	\$2,055,563	\$20,479,209
23 Less estimated income	<u>12,403,431</u>	<u>984,038</u>	<u>13,387,469</u>

1	Total general fund	\$6,020,215	\$1,071,525	\$7,091,740
2	Full-time equivalent positions	43.00	1.00	44.00

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

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

7	<u>One-Time Funding Description</u>	<u>2011-13</u>	<u>2013-15</u>
8	Federal stimulus funds	\$658,217	\$0
9	Reclamation and grain licensing litigation	0	750,000
10	Hydraulic soil probe	<u>0</u>	<u>28,000</u>
11	Total all funds	\$658,217	\$778,000
12	Total special funds	<u>658,217</u>	<u>353,920</u>
13	Total general fund	\$0	\$424,080

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

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

20       **49-01-05. Salary of commissioners.**

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

27       **SECTION 4. LEGISLATIVE MANAGEMENT STUDY - CIVIL PENALTIES.** The legislative  
28 management shall consider studying, during the 2013-14 interim, civil penalties assessed and  
29 collected by state agencies, including a review of the funds into which the collections are  
30 deposited and the appropriateness of the use of funds collected. The legislative management

1 shall report its findings and recommendations, together with any legislation required to  
2 implement the recommendations, to the sixty-fourth legislative assembly.

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

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

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

11 The commission shall collect the following fees to:

12	1. Test railroad track or truck scale	\$171.00
13	2. Test livestock and vehicle scale	—171.00
14	3. Test livestock scale if the sales	
15	ring or buying station scale owner	
16	transports to the scale and furnishes	
17	all test weights and manpower needed	
18	to properly test the scale	—96.00
19	4. Test auxiliary beam on livestock,	
20	motor truck, and motor truck dump scale	—24.00
21	5. Test overhead monorail, track, hopper,	
22	dormant, deck, and hanging scale of <u>one thousand</u>	
23	<u>pounds [453 kilograms] or less capacity</u>	<u>53.00</u>
24	<del>6-2.</del> Test movable platform scale	11.00
25	<del>7-3.</del> Test counter or computing scale	11.00
26	<del>8-4.</del> Test hanging scale of fifty pound	
27	[22.68 kilogram] capacity	
28	or less	11.00
29	<del>9-5.</del> Test a retail motor fuel device	11.00

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1	<del>10.6.</del>	Test or calibrate weighing and measuring	
2		standards, per metrologist, per quarter	
3		hour or fraction thereof	17.00
4	<del>11.7.</del>	Test mobile delivery gasoline and fuel	
5		oil meter	24.00
6	<del>12.8.</del>	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	<del>13.9.</del>	Test propane, ag chemical, or	
11		liquid fertilizer meter	39.00
12	<del>14.</del>	Test crane scale	-107.00
13	<del>15.10.</del>	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	<del>16.11.</del>	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. TRANSFER AND REPAYMENT - BEGINNING FARMER REVOLVING LOAN**  
31 **FUND.** The sum of \$900,000, or so much of the sum as may be necessary, included in the

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

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

9 **PUBLIC UTILITY ANALYST.** It is the intent of the legislative assembly that the public service  
10 commission proceed in the hiring process of the gas pipeline safety inspector and public utility  
11 analyst positions that have been repurposed in the commission's 2013-15 biennium budget  
12 from the weights and measures program prior to June 30, 2013.

13 **SECTION 9. EMERGENCY.** Section 8 of this Act is declared to be an emergency measure.