

**Sixty-third Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 8, 2013**

HOUSE BILL NO. 1008
(Appropriations Committee)
(At the request of the Governor)

AN ACT to provide an appropriation for defraying the expenses of the public service commission; to amend and reenact sections 49-01-05 and 64-02-10 of the North Dakota Century Code, relating to the salary of public service commissioners and fees to test or calibrate weighing and measuring devices; to provide for legislative management studies; to authorize a transfer; to provide a statement of legislative intent; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. The funds provided in this section, or so much of the funds as may be necessary, are appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, and from special funds derived from federal funds and other income, to the public service commission for the purpose of defraying the expenses of 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>
Salaries and wages	\$7,482,074	\$1,024,630	\$8,506,704
Accrued leave payments	0	168,278	168,278
Operating expenses	1,972,572	(77,010)	1,895,562
Capital assets	53,000	35,665	88,665
Grants	16,000	4,000	20,000
Abandoned mined lands contractual	8,000,000	0	8,000,000
Rail rate complaint case	900,000	0	900,000
Reclamation and grain licensing litigation	<u>0</u>	<u>900,000</u>	<u>900,000</u>
Total all funds	\$18,423,646	\$2,055,563	\$20,479,209
Less estimated income	<u>12,403,431</u>	<u>984,038</u>	<u>13,387,469</u>
Total general fund	\$6,020,215	\$1,071,525	\$7,091,740
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:

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

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:

49-01-05. Salary of commissioners.

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

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

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

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 <u>of one thousand pounds [453 kilograms] or less capacity</u>	<u>53.00</u>
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.

SECTION 7. TRANSFER AND REPAYMENT - BEGINNING FARMER REVOLVING LOAN FUND.

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

SECTION 8. LEGISLATIVE INTENT - GAS PIPELINE SAFETY INSPECTOR AND PUBLIC UTILITY ANALYST. It is the intent of the legislative assembly that the public service commission proceed in the hiring process of the gas pipeline safety inspector and public utility analyst positions that have been repurposed in the commission's 2013-15 biennium budget from the weights and measures program prior to June 30, 2013.

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

Speaker of the House

President of the Senate

Chief Clerk of the House

Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Sixty-third Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1008 and that two-thirds of the members-elect of the House of Representatives voted in favor of said law.

Vote: Yeas 91 Nays 2 Absent 1

Speaker of the House

Chief Clerk of the House

This certifies that two-thirds of the members-elect of the Senate voted in favor of said law.

Vote: Yeas 47 Nays 0 Absent 0

President of the Senate

Secretary of the Senate

Received by the Governor at _____ M. on _____, 2013.

Approved at _____ M. on _____, 2013.

Governor

Filed in this office this _____ day of _____, 2013,
at _____ o'clock _____ M.

Secretary of State