

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION
SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

2077

2007 SENATE GOVERNMENT AND VETERANS AFFAIRS

SB 2077

2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. SB 2077

Senate Government and Veterans Affairs Committee

Check here for Conference Committee

Hearing Date: 01/05/07

Recorder Job Number: 683 and 684

Committee Clerk Signature

Veronica Spaulding

Minutes:

Sen. Dever, Chairman, opened the hearing on SB 2077.

Annette Bendish from the Public Service Commission introduced and spoke in favor of the bill.

See Attachment #1.

Sen. Horne asked what the frequency of the need for variance was.

Annette answered that the need is not frequent but the most recent example was when the price of gas increased so much that the pump displays could not accurately display the price.

Kevin Hanson with the Public Service Commission who serves as the State Metrologist stated it happens more frequently than we would guess. Discussion about the frequency of the need for variance followed.

Sen. Nelson asked how often Kevin is required to put new stickers on gas pumps. Kevin replied that the law states annually but a 3 month grace period is given to actually get it done.

Sen. Horne asked how the passage of this bill would be beneficial.

Annette said where only scales are now mentioned to be allowed a variance, this bill would extend it to all weighing and measuring devices.

Motion for do pass was made by Sen. Lee

Motion was seconded by Sen. Horne.

● Roll Call Vote: Yes 6 No 0 Absent 0

Carrier: Sen. Horne

Sen. Dever, Chairman, closed the hearing.



FISCAL NOTE

Requested by Legislative Council

03/19/2007

Amendment to: SB 2077

1A. **State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	2005-2007 Biennium		2007-2009 Biennium		2009-2011 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues	\$0	\$0	\$0	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0	\$0	\$0	\$0
Appropriations	\$0	\$0	\$0	\$0	\$0	\$0

1B. **County, city, and school district fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

2005-2007 Biennium			2007-2009 Biennium			2009-2011 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts
\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0

2A. **Bill and fiscal impact summary:** *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

The original bill provides discretion to allow variances for all devices, not just scales. It has no fiscal impact on the state or any political subdivision.

The amendment to the bill simply corrects a reference needed in HB 1128 and has no fiscal impact.

B. **Fiscal impact sections:** *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

n/a

3. **State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

A. **Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

n/a

B. **Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

n/a

C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation is also included in the executive budget or relates to a continuing appropriation.*

n/a

Name:	Illona Jeffcoat-Sacco	Agency:	PSC
Phone Number:	328-2407	Date Prepared:	03/19/2007

FISCAL NOTE
 Requested by Legislative Council
 12/27/2006

Bill/Resolution No.: SB 2077

1A. State fiscal effect: *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	2005-2007 Biennium		2007-2009 Biennium		2009-2011 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues	\$0	\$0	\$0	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0	\$0	\$0	\$0
Appropriations	\$0	\$0	\$0	\$0	\$0	\$0

1B. County, city, and school district fiscal effect: *Identify the fiscal effect on the appropriate political subdivision.*

2005-2007 Biennium			2007-2009 Biennium			2009-2011 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts
\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0

2A. Bill and fiscal impact summary: *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

This bill provides discretion to PSC to allow variances for all weighing and measuring devices, not just scales. It should have no fiscal impact on the state or any political subdivision, but should have a positive impact on operators of devices who need a variance.

B. Fiscal impact sections: *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

n/a

3. State fiscal effect detail: *For information shown under state fiscal effect in 1A, please:*

A. Revenues: *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

n/a

B. Expenditures: *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

n/a

C. Appropriations: *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation is also included in the executive budget or relates to a continuing appropriation.*

n/a

Name:	Illona Jeffcoat-Sacco	Agency:	PSC
Phone Number:	701-328-2407	Date Prepared:	01/02/2007

Date : 1-5-07

Roll Call Vote # : 1

2007 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2077

Senate Government and Veteran Affairs Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken do pass

Motion Made By Lee Seconded By Horne

Senators	Yes	No	Senators	Yes	No
Senator Dick Dever - Chairman	✓		Senator Robert Horne	✓	
Senator Dave Oehlke - VC	✓		Senator Richard Marcellais	✓	
Senator Judy Lee	✓		Senator Carolyn Nelson	✓	

Total (Yes) 6 No 0

Absent 0

Floor Assignment Horne

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE (410)
January 5, 2007 11:30 a.m.

library
Module No: SR-03-0254
Carrier: Horne
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

SB 2077: Government and Veterans Affairs Committee (Sen. Dever, Chairman)
recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2077
was placed on the Eleventh order on the calendar.

2007 HOUSE GOVERNMENT AND VETERANS AFFAIRS

SB 2077

2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. SB 2077

House Government and Veterans Affairs Committee

Check here for Conference Committee

Hearing Date: March 8, 2007

Recorder Job Number: 4636

Committee Clerk Signature

Morgan Rennie

Minutes:

Annette Bendish: Testimony attached.

Rep. Haas: Do you think we can keep the gas prices down?

Annette Bendish: Unfortunately no, no one uses the multiplier.

Rep. Haas: Is there any other testimony on SB 2077? If not we will close the hearing on BS 2077.

2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. SB 2077

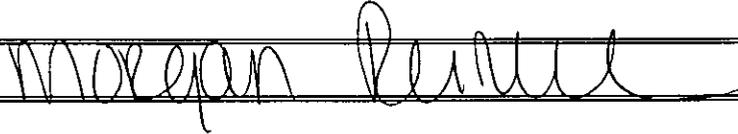
House Government and Veterans Affairs Committee

Check here for Conference Committee

Hearing Date: March 8, 2007

Recorder Job Number: 4640

Committee Clerk Signature



Minutes:

Rep. Haas: Is there any pre motion discussion on SB 2077?

Rep. Froseth: I move a do pass.

Rep. Grande: I second that.

Rep. Haas: Is there any discussion? If not we will take a roll call vote on SB 2077. The do pass motion for SB 2077 passes with a vote of 12-0-1. Is there a volunteer to carry this bill?

Rep. Schneider: I will.

2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. SB 2077

House Government and Veterans Affairs Committee

Check here for Conference Committee

Hearing Date: March 15, 2007

Recorder Job Number: 5135

Committee Clerk Signature

Morgan Revette

Minutes:

Rep. Haas: A situation came up after we passed this bill out of committee with a 12-0-1 do pass. Actually not related to this bill at all. Commissioner Clark stopped me in the hall one day and said that there was an additional amendment that needed to be put on the bill. It was passed out of the House IBL on the Pipeline Authority. That bill was sent over to the Senate and was in the process of where it would have been difficult to amend it further. Commissioner Clark asked if we would be able to add that amendment onto this bill. If you are willing to reconsider SB 2077 we need a motion.

Rep. Weiler: I move to reconsider.

Rep. Meier: I Second that.

Rep. Haas: Is there any discussion? If not we will do a voice vote on a motion to reconsider. All in favor say 'aye' all opposed say 'no'.

Ilana Jeffcoat-Sacho: You did a very good job on explaining most of it. I'm just going to start at the beginning. HB 1128 is the Pipeline Authority. We did amend that bill to include a reference to Public Service Commission jurisdiction over the pipeline safety. That is something that we share with the federal government. That is carried out by the testing and safety division of the commission which is the same division which is involved with SB 2077. We thought it

was appropriate in that way. We forgot a second reference which is where you have penalties if you violate the pipeline safety laws. They are in a totally different chapter. We forgot that on the house side. I don't think anyone involved in HB 1128 objects to both references being in the statute. It's just for a lot of reasons it was not a good idea to try and amend that bill and have it go back to the house. We decided we would try to find a simple, non controversial bill without baggage attached, that is related to the work we are doing. The letter explains that in fewer words. John Walstad drafted the amendment. What it is doing is amending the enacted version of HB 1128. I think we could do, but you can't. If you read the amendment you are saying that we want to re enact subsection 1 of 54-17.07-08 as created by HB 1128. This amendment will add one more change to the bill. It looks way more complicated than it is. This is adding the reference to the section of 1128. We put it in this bill because Pipeline safety and weights and measures are in the same division and because this bill is non controversial. It doesn't add anything else.

Rep. Kasper: We had this bill in IBL. As I recall it's a non controversial bill supported by everybody.

Rep. Haas: Are you referring to 1128?

Rep. Kasper: Yes. What is the status of 1128 right now and why are you reluctant to go over there and put it on 1128.

Ilana Jeffscoat-Sacho: I'm not sure what the status is. I'll tell you that we did present the amendment at this hearing last week. Karlene Fine has no problem with it; she told me then and again that they were hoping it could be done another way. They did not want to send it back to the house. HB 1128 has an emergency clause. The sooner they can get going and run on that, the better. I know they are thinking that it could be dealt with fairly soon.

Rep. Kasper: So what I think your saying is that there is no problems in the Senate with HB 1128. It's just that you already got it through with the emergency clause and you don't want to jeopardize a potential emergency clause. The senate would agree with this

Ilana Jeffscoat-Sacho: The suggestion came from one of the members of the committee. The chairman asked us to look into it and then I got the instructions from John Walstad. I'm sure that Karlene would agree with this. They have all been informed of what we were doing. I can certainly get Karlene and come back with her response. There is concern to not re open this.

Rep. Kasper: What exactly is this doing?

Ilana Jeffscoat-Sacho: This is a reference to penalties if you violate pipeline safety. That just explains that the commission will establish minimum safety standards for the design, construction, and operation of the distribution facilities. That is a federal program. 49-07-05.1 is the penalty provision for everything that the commission does. Penal provisions of 49-07 and there is a special one 05.1 for violations of pipeline safety standards. Any person who violates any rule or order issued by the commission pursuant to the section they are talking about is subject to a civil penalty to be imposed and not to exceed \$10,000 in violation for each day. We do recognize that if the state owns this pipeline you can't penalize the state. There is a good possibility that there will be private ownership. That is a violation that we don't want to accept.

Rep. Froseth: Wouldn't this new pipeline come under the same authority as the PSC has control over?

Ilana Jeffscoat-Sacho: The commission does not have as general of a pipeline jurisdiction as you seem to be thinking. In general the commission can site some pipeline. With authority they can build that pipeline that is subject to that jurisdiction and commission ruled. The safety jurisdiction that we are talking about here is for leakage. There is inspections done. It's the

distribution systems like MDU, etc, and also for interest paid pipelines. It's specifically to safety related issues. It's a third kind of jurisdiction.

Rep. Boehning: Mine was along the same questions. We've got the public commission to do the inspections and regulations. Why do we need to have this? Because it is possibly a state owned pipeline and it wouldn't fall underneath the provision?

Iana Jeffscoat-Sacho: The pipeline authority generally exempts the authority from most jurisdictions. The rates would not be regulated by the commission. The transportation costs are going to be directly flown through to rate payers. Most of the PSC jurisdiction, this pipeline authority is going to be exempt from. They are only subject to what we added. They agree but we forgot the penalty part. Generally the pipeline is not subject to PSC jurisdiction, just like the authority last year.

Rep. Haas: When the pipeline is filled, and when it is finally sold. If the state had part or full ownership in the beginning, when it becomes a portion that is no longer owned by the state does the PSC then have jurisdiction over the pipeline?

Ilan Jeffscoat-Sacho: Like utility jurisdictions? I don't know the answer. Those are some of the things that we brought up with the transmission authority. This is a little bit different. It was a little bit less of an issue but a good question. It would be subject to an interpretation of that law and how they did that.

Rep. Potter: So this amendment really deals with the penalty phase of the rules? I'm really not quite clear of what this does.

Ilan Jeffscoat-Sacho: The pipeline safety jurisdiction covers a lot of things. It covers some standard protections that are supposed to be in place. There are requirements for the companies to do their own inspections on a certain basis.

Al Mock: Director of Testing and Safety Division. The federal government has set forth regulations which provide an entire array of help to the operator from the beginning of the construction phase to see to it that it is constructed according to federal regulations so that if you want to sell that pipeline to somebody else they know it has been built properly. Its operation and maintenance after that but the construction phase at the beginning. What kind of pipe did you buy and so on? Did you buy the correct pipe? You want to make sure that a pipeline which is first owned by the state, that the beginning process is correct and that it remains correct through the entire process. It's a marketing plus to the pipeline after the state sells it to a utility. This particular amendment, all it is doing is allowing us to continue our political state agreement. The federal government says that if you want to be in our program that you have to adopt certain provisions in your law that allow you to enforce our laws. The civil penalty provision is one of those provisions. We just forgot to put it in the section.

Rep. Amerman: The penalty phase wasn't put into the original bill so we are going to put it on here. So when this thing goes private someday, if we don't put this in, even if we have leaks, you can't penalize them. If we put this in, we expect there to be penalties.

Ilana Jeffscoat-Sacho: That is it in kind of a nut shell. I do have one copy of 1128 with the amendment written in.

Rep. Haas: Are there any further questions? What are your wishes?

Rep. Kasper: I move the amendment.

Rep. Potter: I second that.

Rep. Haas: Is there any discussion?

Rep. Kasper: If we had known in IBL that this was going to happen, we would have added it and everyone would have been happy. It's a simple oversight.

Rep. Weiler: Because 1128 has an emergency clause on it, will this also need to have one?

Ilana Jeffscoat-Sacho: No.

Rep. Froseth: I wasn't thinking about the process, I was thinking about the oversight on the pipeline after it had been built. It is now clear to me because there should be oversight from the beginning.

Rep. Haas: We are going to take a voice vote on this amendment. All in favor say 'aye' all opposed say 'no'. The amendment carries. What are your wishes?

Rep. Meier: I move a do pass as amended.

Rep. Kasper: I second that.

Rep. Haas: Is there any further discussion? If not we will take a roll call vote on a do pass as amended motion for SB 2077. The motion passes with a vote of 12-0-1. Is there a volunteer to carry this bill?

Rep. Kasper: I will.

Date: 3-8-07
Roll Call Vote #: 1

2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. "Click here to type Bill/Resolution No."

House Government and Veterans Affairs Committee

Check here for Conference Committee

Legislative Council Amendment Number SB 2077

Action Taken DO Pass

Motion Made By Rep Froseth Seconded By Rep Grandle

Representatives	Yes	No	Representatives	Yes	No
Rep. C. B Haas Chairman	X		Rep. Bill Amerman	X	
Rep. Bette Grande VC	X		Rep. Louise Potter	X	
Rep. Randy Boehning			Rep. Jasper Schneider	X	
Rep. Stacey Dahl	X		Rep. Lisa Wolf	X	
Rep. Glen Froseth	X				
Rep. Karen Karis	X				
Rep. Jim Kasper	X				
Rep. Lisa Meier	X				
Rep. Dave Weiler	X				

Total (Yes) 12 No 0

Absent 1

Floor Assignment Rep Schneider

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE (410)
March 8, 2007 1:15 p.m.

Module No: HR-44-4737
Carrier: Schneider
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

SB 2077: Government and Veterans Affairs Committee (Rep. Haas, Chairman)
recommends **DO PASS** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2077
was placed on the Fourteenth order on the calendar.

PROPOSED AMENDMENTS TO SENATE BILL 2077

Page 1, line 1, after "reenact" insert "subsection 1 of section 54-17.7-08 as created by House Bill No. 1128, as approved by sixtieth legislative assembly,"

Page 1, line 3, after "standards" insert "and the applicability of pipeline safety jurisdiction to the pipeline authority"

Page 1, after line 4, insert:

"SECTION 1. AMENDMENT. Subsection 1 of section 54-17.7-08 as created by House Bill No. 1128, as approved by sixtieth legislative assembly, is amended and reenacted as follows:

1. Until sold or disposed of by the authority, the authority and the pipeline facilities built under this chapter are exempt from the provisions of title 49 except for chapter 49-22 and ~~section~~ sections 49-02-01.2 and 49-07-05.1. Upon sale or disposal by the authority, pipeline facilities built under this chapter are subject to the provisions of title 49."

Page 1, line 5, replace "1" with "2"

Page 1, line 17, replace "2" with "3"

Renumber accordingly

Date: 3-15-07
Roll Call Vote #: 1

2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. "Click here to type Bill/Resolution No."

House Government and Veterans Affairs Committee

Check here for Conference Committee

Legislative Council Amendment Number SB 2077

Action Taken move amendment

Motion Made By Rep KASPER Seconded By Rep POTTER

Representatives	Yes	No	Representatives	Yes	No
Rep. C. B Haas Chairman			Rep. Bill Amerman		
Rep. Bette Grande VC			Rep. Louise Potter		
Rep. Randy Boehning			Rep. Jasper Schneider		
Rep. Stacey Dahl			Rep. Lisa Wolf		
Rep. Glen Froseth					
Rep. Karen Karls					
Rep. Jim Kasper					
Rep. Lisa Meier					
Rep. Dave Weiler					

Total (Yes) _____ No _____

Absent _____

Floor Assignment Rep

If the vote is on an amendment, briefly indicate intent:

Date: 3-15-07
 Roll Call Vote #: 1

2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES
 BILL/RESOLUTION NO. "Click here to type Bill/Resolution No."

House Government and Veterans Affairs Committee

Check here for Conference Committee

Legislative Council Amendment Number SB 2077

Action Taken Do Pass as amended

Motion Made By Rep Meier Seconded By Rep Kasper

Representatives	Yes	No	Representatives	Yes	No
Rep. C. B Haas Chairman	X		Rep. Bill Amerman	X	
Rep. Bette Grande VC	X		Rep. Louise Potter	X	
Rep. Randy Boehning	X		Rep. Jasper Schneider	X	
Rep. Stacey Dahl	X		Rep. Lisa Wolf		
Rep. Glen Froseth	X				
Rep. Karen Karls	X				
Rep. Jim Kasper	X				
Rep. Lisa Meier	X				
Rep. Dave Weiler	X				

Total (Yes) 12 No 0

Absent 1

Floor Assignment Rep. ~~Meier~~ Kasper

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

SB 2077: Government and Veterans Affairs Committee (Rep. Haas, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2077 was placed on the Sixth order on the calendar.

Page 1, line 1, after "reenact" insert "subsection 1 of section 54-17.7-08 as created by House Bill No. 1128," and after "64-02-02" insert a comma

Page 1, line 2, after "to" insert "the applicability of pipeline safety jurisdiction to the pipeline authority," and after "devices" insert a comma

Page 1, after line 4, insert:

"SECTION 1. AMENDMENT. If House Bill No. 1128 is approved by the sixtieth legislative assembly and becomes effective, subsection 1 of section 54-17.7-08 is amended and reenacted as follows:

1. Until sold or disposed of by the authority, the authority and the pipeline facilities built under this chapter are exempt from the provisions of title 49 except for chapter 49-22 and ~~section~~ sections 49-02-01.2 and 49-07-05.1. Upon sale or disposal by the authority, pipeline facilities built under this chapter are subject to the provisions of title 49."

Renumber accordingly

2007 TESTIMONY

SB 2077

S. B. 2077

Presented by: Annette Bendish
Public Service Commission

Before: Government & Veterans Affairs Committee
Honorable Dick Dever, Chairman

Date: *Some given to House* January 5, 2007

TESTIMONY

Chairman Dever and committee members, my name is Annette Bendish with the Public Service Commission. The Public Service Commission's Testing & Safety Division has responsibility for enforcement of the weights and measures inspection program in North Dakota. The Commission asked me to appear here today to testify in support of Senate Bill 2077 introduced at our request.

The Testing and Safety Division issues variance permits to operators under special circumstances, in most cases, to alleviate heavy financial burden resulting from mitigation of minor deviations in the design, construction, or operation of their commercial devices.

An example of the need for a scale variance is when a new truck dump scale is installed into an older elevator where limited space is available for the longer scale length. A variance would allow the elevator to install the new device with shorter aprons on each end of the scale in order to accommodate the longer length.

An example of the need for a fuel dispenser variance is when the price per gallon rises beyond the maximum price per gallon the dispenser can display. The operator could obtain a variance to operate until the dispenser could be modified or replaced. In this case, we would require the operator to notify customers by installing a sign on the dispenser showing the actual cost, for example "actual price is 2 times the price shown."

Unfortunately, the current North Dakota Century Code only provides authority for scale variances and not for liquid dispensing variances. The

Commission believes that the law should be amended to provide the discretion to allow variances for all measuring devices.

Section 1 accomplishes this and alleviates unnecessary time and expense associated with providing construction plans with every variance application. It leaves the requirement for providing plans to the discretion of the Commission.

Section 2 clarifies that secondary standards be calibrated by any metrology lab that is recognized by the National Institute of Standards and Technology.

This completes my testimony. I will be happy to answer any questions you may have.



Public Service Commission
State of North Dakota

COMMISSIONERS

Susan E. Wefald, President
Kevin Cramer
Tony Clark

Executive Director
Illona A. Jeffcoat-Sacco

8 March 2007

600 E. Boulevard Ave. Dept 408
Bismarck, North Dakota 58505-0480
web: www.nd.gov/psc
e-mail: ndpsc@nd.gov
TTY 800-366-6888 or 711
Fax 701-328-2410
Phone 701-328-2400

Honorable C. B. Haas, Chairman
Government and Veterans Affairs Committee
North Dakota House
600 East Boulevard Avenue
Bismarck, ND 58505

Re: Senate Bill 2077

Dear Chairman Haas:

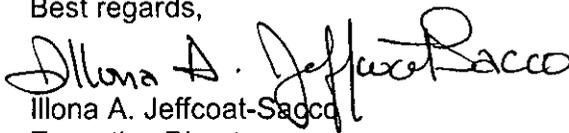
Thank you and the committee for your Do Pass recommendation on the PSC's only bill this session, SB 2077. Thank you, also, for considering our request to add an amendment to SB 2077 to correct an oversight in another bill, HB 1128.

As you know, HB 1128 is the pipeline authority bill. When HB 1128 was amended in the House, we inadvertently left out one necessary statutory reference. We included reference to the PSC's statutory jurisdiction over pipeline safety, but forgot to include reference to the statutory provision regarding penalties for pipeline safety violations. We brought this to the attention of the Senate Political Subdivisions Committee during the hearing on HB 1128 this morning. Rather than amending HB 1128, which carries an emergency clause, and mandating a return of that bill to the House, the committee suggested that we try to find another vehicle to make the correction.

Since SB 2077 is a PSC bill, and our weights and measures program and pipeline safety program are part of the same division, we believe SB 2077 is an appropriate vehicle to carry the change. A proposed amendment is attached.

Thank you again for your consideration of this request.

Best regards,


Illona A. Jeffcoat-Sacco
Executive Director

c: Rep. Bette B. Grande, Vice Chairman	Rep. Randy Boehning
Rep. Stacy Dahl	Rep. Glen Froseth
Rep. Karen Karls	Rep. Jim Kasper
Rep. Lisa Meier	Rep. Dave Weiler
Rep. Bill Amerman	Rep. Louise Potter
Rep. Jasper Schneider	Rep. Lisa Wolf

Attachment

PROPOSED AMENDMENTS TO SENATE BILL 2077

Page 1, line 1, after "reenact" insert "subsection 1 of section 54-17.7-08 as created by House Bill No. 1128, as approved by sixtieth legislative assembly,"

Page 1, line 3, after "standards" insert "and the applicability of pipeline safety jurisdiction to the pipeline authority"

Page 1, after line 4, insert:

"SECTION 1. AMENDMENT. Subsection 1 of section 54-17.7-08 as created by House Bill No. 1128, as approved by sixtieth legislative assembly, is amended and reenacted as follows:

1. Until sold or disposed of by the authority, the authority and the pipeline facilities built under this chapter are exempt from the provisions of title 49 except for chapter 49-22 and ~~section~~ sections 49-02-01.2 and 49-07-05.1. Upon sale or disposal by the authority, pipeline facilities built under this chapter are subject to the provisions of title 49."

Page 1, line 5, replace "1" with "2"

Page 1, line 17, replace "2" with "3"

Renumber accordingly