

**FIRST ENGROSSMENT  
with House Amendments**

**ENGROSSED SENATE BILL NO. 2009**

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 agriculture  
2 commissioner; to amend and reenact sections 4-01-19, 4-01-21, and 4-37-02 of the North  
3 Dakota Century Code, relating to pride of Dakota moneys, the salary of the agriculture  
4 commissioner and the agriculture in the classroom council; to provide for transfers; to provide  
5 for legislative intent; to provide an effective date; and to declare an emergency.

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

7 **SECTION 1. BASE LEVEL FUNDING INFORMATION.** The amounts identified in this  
8 section represent the base level funding component appropriated to the agriculture  
9 commissioner in section 3 of this Act as follows:

10 Salaries and wages	\$5,783,517
11 Operating expenses	4,255,875
12 Capital assets	5,000
13 Grants	1,774,225
14 Board of animal health	2,036,027
15 Wildlife services contingency	130,000
16 Crop harmonization board	<u>25,000</u>
17 Total all funds - Base level	\$14,009,644
18 Less estimated income - Base level	<u>9,486,532</u>
19 Total general fund - Base level	\$4,523,112

20 **SECTION 2. FUNDING ADJUSTMENTS OR ENHANCEMENTS INFORMATION.** The  
21 amounts identified in this section represent the funding adjustments or enhancements to the  
22 base funding level for the agriculture commissioner which are included in the appropriation in  
23 section 3 of this Act as follows:

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1	Salaries and wages	\$1,016,409
2	Operating expenses	1,394,958
3	Grants	75,000
4	Board of animal health	263,675
5	Wildlife services contingency	(130,000)
6	Wildlife services	<u>200,000</u>
7	Total all funds - Adjustments/enhancements	\$2,820,042
8	Less estimated income - Adjustments/enhancements	<u>1,578,381</u>
9	Total general fund - Adjustments/enhancements	\$1,241,661

10           **SECTION 3. APPROPRIATION.** The funds provided in this section, or so much of the  
11 funds as may be necessary, are appropriated out of any moneys in the general fund in the state  
12 treasury, not otherwise appropriated, and from special funds derived from federal funds and  
13 other income, to the agriculture commissioner for the purpose of defraying the expenses of that  
14 agency, for the biennium beginning July 1, 2007, and ending June 30, 2009, as follows:

15	Salaries and wages	\$6,799,926
16	Operating expenses	5,650,833
17	Capital assets	5,000
18	Grants	1,849,225
19	Board of animal health	2,299,702
20	Wildlife services	200,000
21	Crop harmonization board	<u>25,000</u>
22	Total all funds	\$16,829,686
23	Less estimated income	<u>11,064,913</u>
24	Total general fund appropriation	\$5,764,773

25           **SECTION 4. ESTIMATED INCOME - ENVIRONMENT AND RANGELAND**  
26 **PROTECTION FUND.** The estimated income line item in section 3 of this Act includes the sum  
27 of \$3,142,109, or so much of the sum as may be available, from the environment and  
28 rangeland protection fund for the purpose of defraying the expenses of various agriculture  
29 department programs, for the biennium beginning July 1, 2007, and ending June 30, 2009.

30           **SECTION 5. ANHYDROUS AMMONIA STORAGE INSPECTION FUND.** The  
31 estimated income line item in section 3 of this Act includes the sum of \$65,912, or so much of

1 the sum as may be available, from the anhydrous ammonia storage inspection fund for the  
2 purpose of defraying the expenses of regulating anhydrous ammonia storage facilities, for the  
3 biennium beginning July 1, 2007, and ending June 30, 2009.

4 **SECTION 6. ESTIMATED INCOME - GAME AND FISH FUND.** The estimated income  
5 line item in section 3 of this Act includes the sum of \$889,684, or so much of the sum as may  
6 be necessary, from the game and fish department operating fund for the purpose of defraying  
7 the expenses of various agriculture department programs for the biennium beginning July 1,  
8 2007, and ending June 30, 2009.

9 **SECTION 7. INTENT - SALARY EQUITY.** The sum of \$200,000 included in the  
10 salaries and wages line item in section 3 of this Act is for salary equity increases, which must  
11 be based on market.

12 **SECTION 8. TRANSFER - APPROPRIATION.** The office of management and budget  
13 shall transfer \$150,000 from the general fund to the environment and rangeland protection fund  
14 during the period beginning July 1, 2007, and ending June 30, 2009.

15 **SECTION 9. TRANSFER - APPROPRIATION.** The office of management and budget  
16 shall transfer \$50,000 from the certification and training fund to the environment and rangeland  
17 protection fund during the period beginning July 1, 2007, and ending June 30, 2009.

18 **SECTION 10. INTENT - EMERGENCY COMMISSION REQUEST.** The agriculture  
19 commissioner may request from the emergency commission additional full-time equivalent  
20 positions for the state meat inspection program if demand for the program increases sufficient  
21 to require the positions during the period beginning July 1, 2007, and ending June 30, 2009.

22 **SECTION 11. TRANSFER.** The commissioner shall transfer \$200,000 from the  
23 environment and rangeland protection fund to the minor use pesticide fund.

24 **SECTION 12. WILDLIFE SERVICES - GAME AND FISH FUND.** The sum of  
25 \$130,000 is appropriated to the agriculture commissioner from the game and fish fund for the  
26 payment of wildlife services for the period beginning with the effective date of this Act and  
27 ending June 30, 2007.

28 **SECTION 13. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO**  
29 **SIXTY-FIRST LEGISLATIVE ASSEMBLY.** The total general fund appropriation line item in  
30 section 3 of this Act includes \$90,836 for the one-time funding items identified in this section.  
31 This amount is not a part of the agency's base budget to be used in preparing the 2009-11

1 executive budget. The agriculture commissioner shall report to the appropriations committees  
2 of the sixty-first legislative assembly on the use of this one-time funding for the biennium  
3 beginning July 1, 2007, and ending June 30, 2009.

4 Animal tracking data base \$90,836

5 **SECTION 14. AMENDMENT.** Section 4-01-19 of the North Dakota Century Code is  
6 amended and reenacted as follows:

7 **4-01-19. Marketing bureau.** The agriculture commissioner of this state shall establish  
8 and maintain a marketing bureau for the purpose of gathering and disseminating statistical  
9 information on agricultural marketing problems of the state and engaging in marketing services  
10 of agricultural products. Any moneys received or generated by the pride of Dakota program  
11 must be deposited in the ~~general fund in the state treasury~~ agriculture commissioner's  
12 operating fund.

13 **SECTION 15. AMENDMENT.** Section 4-01-21 of the North Dakota Century Code is  
14 amended and reenacted as follows:

15 **4-01-21. Salary of agriculture commissioner.** The annual salary of the agriculture  
16 commissioner is ~~seventy-two~~ seventy-eight thousand ~~six~~ five hundred ~~sixty-nine~~ ninety-nine  
17 dollars through June 30, ~~2006~~ 2008, and ~~seventy-five~~ eighty-one thousand ~~five~~ seven hundred  
18 ~~seventy-six~~ forty-three dollars thereafter.

19 **SECTION 16. AMENDMENT.** Section 4-37-02 of the North Dakota Century Code is  
20 amended and reenacted as follows:

21 **4-37-02. Agriculture in the classroom council.** An agriculture in the classroom  
22 council is established.

23 1. The council consists of ~~sixteen members to be appointed by the agriculture~~  
24 ~~commissioner. One member must be the agriculture commissioner or the~~  
25 ~~commissioner's designee, and one member must be the superintendent of public~~  
26 ~~instruction or the superintendent's designee~~ the following members appointed by  
27 the official or the governing body of the entity named:

28 a. One individual appointed by the superintendent of public instruction;

29 b. One individual appointed by the state board for career and technical  
30 education;

31 c. One individual appointed by the North Dakota farm bureau;

- 1           d. One individual appointed by the North Dakota farmers union;  
2           e. One individual appointed by the North Dakota future farmers of America;  
3           f. One individual appointed by the North Dakota ag coalition; and  
4           g. One individual appointed by the North Dakota state university extension  
5           service.
- 6           2. In addition to the individuals listed in subsection 1, the council also includes the  
7           following members appointed by the official or the governing body of the entity  
8           named:
- 9           a. One individual appointed for a term of two years by the governor;  
10          b. One individual appointed for a term of two years by the agriculture  
11          commissioner;
- 12          c. One teacher appointed for a term of two years by the superintendent of public  
13          instruction;
- 14          d. One teacher appointed for a term of two years by the state board for career  
15          and technical education;
- 16          e. One teacher appointed for a term of two years by the North Dakota farm  
17          bureau;
- 18          f. One teacher appointed for a term of two years by the North Dakota farmers  
19          union;
- 20          g. One teacher appointed for a term of two years by the North Dakota future  
21          farmers of America;
- 22          h. One teacher appointed for a term of two years by the North Dakota  
23          ag coalition; and
- 24          i. One teacher appointed for a term of two years by the North Dakota state  
25          university extension service.
- 26          3. Any member appointed under subsection 2 may serve no more than three  
27          consecutive terms.
- 28          4. The council shall provide for the election of a chairman from among its members  
29          and shall establish its rules of operation and procedure.

30           **SECTION 17. LEGISLATIVE INTENT.** It is the intent of the legislative assembly that  
31 the agriculture commissioner forward any moneys appropriated in this Act for the agriculture in

1 the classroom program directly to the agriculture in the classroom council established in section  
2 4-37-02.

3 **SECTION 18. EMERGENCY.** The sum of \$680,000 included in the less estimated  
4 income line item in section 3 of this Act for wildlife services, the \$200,000 included in the  
5 wildlife services line item in section 3 of this Act, and section 12 of this Act are declared to be  
6 an emergency measure.