

Sixty-third
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1009

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 create and enact a new section to chapter 19-13.1 of the North Dakota
3 Century Code, relating to license, inspection, and registration fees; to amend and reenact
4 section 4-01-21 of the North Dakota Century Code, relating to the salary of the agriculture
5 commissioner; to provide for transfers; to provide for a legislative management study of the milk
6 marketing board; and to provide an exemption.

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 agriculture commissioner for the purpose of defraying the expenses of that
12 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>
15 Salaries and wages	\$9,712,364	\$909,745	\$10,622,109
16 Operating expenses	6,451,453	(679,191)	5,772,262
17 Capital assets	17,000	(5,000)	12,000
18 Grants	3,170,828	800,000	3,970,828
19 State board of animal health	2,153,952	(44,124)	2,109,828
20 Wildlife services	1,417,400	0	1,417,400
21 Crop harmonization board	75,000	0	75,000
22 Accrued leave payments	0	237,295	237,295
23 Total all funds	\$22,997,997	\$1,218,725	\$24,216,722
24 Less estimated income	14,801,251	223,143	15,024,394

1	Total general fund	\$8,196,746	\$995,582	\$9,192,328
2	Full-time equivalent positions	77.00	0.00	77.00
3	Salaries and wages	\$9,712,364	\$1,572,167	\$11,284,531
4	Operating expenses	6,451,453	(566,191)	5,885,262
5	Capital assets	17,000	(5,000)	12,000
6	Grants	3,170,828	1,505,000	4,675,828
7	State board of animal health	2,153,952	(18,149)	2,135,803
8	Wildlife services	1,417,400	0	1,417,400
9	Crop harmonization board	75,000	0	75,000
10	Total all funds	\$22,997,997	\$2,487,827	\$25,485,824
11	Less estimated income	14,801,251	1,044,828	15,846,079
12	Total general fund	\$8,196,746	\$1,442,999	\$9,639,745
13	Full-time equivalent positions	77.00	0.00	77.00

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>
Centennial farms program grant	\$0	\$80,000
Total general fund	\$0	\$80,000

The 2013-15 one-time funding amounts are not a part of the entity's base budget for the 2015-17 biennium. The agriculture commissioner 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. TRANSFER - ENVIRONMENT AND RANGELAND PROTECTION FUND -

MINOR USE PESTICIDE FUND. The agriculture commissioner shall transfer \$325,000 from the environment and rangeland protection fund to the minor use pesticide fund during the biennium beginning July 1, 2013, and ending June 30, 2015.

SECTION 4. ESTIMATED INCOME - ENVIRONMENT AND RANGELAND PROTECTION

FUND. The estimated income line item in section 1 of this Act includes the sum of

~~\$5,997,408~~ \$6,122,681, or so much of the sum as may be necessary, from the environment and

1 rangeland protection fund for the purpose of defraying the expenses of various department of
2 agriculture programs, for the biennium beginning July 1, 2013, and ending June 30, 2015.

3 **SECTION 5. ESTIMATED INCOME - GAME AND FISH FUND.** The estimated income line
4 item in section 1 of this Act includes the sum of \$484,398, or so much of the sum as may be
5 necessary, from the game and fish department operating fund for the purpose of defraying the
6 expenses of various ~~agriculture~~-department of agriculture programs, for the biennium beginning
7 July 1, 2013, and ending June 30, 2015.

8 **SECTION 6. ESTIMATED INCOME - STATE WATER COMMISSION - TRANSFER.** The
9 estimated income line item in section 1 of this Act includes the sum of \$250,000 which the state
10 water commission shall transfer to the agriculture commissioner for the wildlife services
11 program, for the biennium beginning July 1, 2013, and ending June 30, 2015.

12 **SECTION 7. EXEMPTION - JOHNE'S DISEASE CONTROL.** The amount appropriated for
13 Johne's disease control in section 1 of chapter 35 of the 2011 Session Laws is not subject to
14 section 54-44.1-11 and any unexpended appropriations may be continued into the biennium
15 beginning July 1, 2013, and ending June 30, 2015.

16 ~~SECTION 8. AMENDMENT. Section 4-01-21 of the North Dakota Century Code is amended~~
17 ~~and reenacted as follows:~~

18 ~~4-01-21. Salary of agriculture commissioner.~~

19 ~~The annual salary of the agriculture commissioner is ninety-two~~~~ninety-eight~~ thousand
20 ~~eight~~~~four~~ hundred twenty-six~~seventy-eight~~ dollars through June 30, 2012~~2014~~, and
21 ~~ninety-five~~~~one~~ hundred one thousand six~~four~~ hundred tenth~~irty~~ two dollars thereafter.

22 **SECTION 8. DEPARTMENT OF AGRICULTURE OFFICE LEASE - TERMINATION.** The
23 agriculture commissioner shall terminate any lease of office space off of the capitol grounds if
24 sufficient office space on the capitol grounds is provided to the department of agriculture by the
25 office of management and budget for the biennium beginning July 1, 2013, and ending June 30,
26 2015.

27 **SECTION 9. AMENDMENT.** Section 4-01-21 of the North Dakota Century Code is amended
28 and reenacted as follows:

29 **4-01-21. Salary of agriculture commissioner.**

30 The annual salary of the agriculture commissioner is ~~ninety-two thousand eight hundred~~
31 ~~twenty-six~~ninety-nine thousand four hundred thirty-five dollars through June 30, ~~2012~~2014, and

1 ~~ninety-five thousand six hundred ten~~ one hundred three thousand four hundred twelve dollars
2 thereafter.

3 **SECTION 10.** A new section to chapter 19-13.1 of the North Dakota Century Code is
4 created and enacted as follows:

5 **Deposit of fees.**

6 The commissioner shall forward all inspection fees, license fees, and registration fees
7 received under this chapter to the state treasurer. The state treasurer shall deposit the ~~first~~
8 ~~\$485,000 of~~ fees received under this chapter ~~each biennium~~ in the environment and rangeland
9 protection fund ~~and any remaining fees in the general fund.~~

10 **SECTION 11. LEGISLATIVE MANAGEMENT STUDY - MILK MARKETING BOARD.**

11 During the 2013-14 interim, the legislative management shall consider studying the structure of
12 the milk marketing board; its statutory duties; the manner in which it prescribes and regulates
13 producer, distributor, and retail prices throughout the state; and the manner in which it
14 investigates and resolves concerns regarding the price and availability of milk throughout the
15 state. If conducted, the study must review any policy or regulatory changes that the board has
16 implemented in order to address pricing issues and availability of milk in the western portion of
17 this state. The study must examine whether the continued regulation of the grade A dairy
18 industry is best accomplished by the milk marketing board in its current form and operating
19 under its current statutory directives, whether changes are needed to the board or its statutory
20 directives, and whether there are other methods by which the desired results could be
21 effectively and efficiently achieved. The legislative management shall report its findings and
22 recommendations, together with any legislation required to implement the recommendations, to
23 the sixty-fourth legislative assembly.