

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; to provide for a report to the sixty-fourth legislative assembly; and to provide
7 an exemption.

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

9 **SECTION 1. APPROPRIATION.** The funds provided in this section, or so much of the funds
10 as may be necessary, are appropriated out of any moneys in the general fund in the state
11 treasury, not otherwise appropriated, and from special funds derived from federal funds and
12 other income, to the agriculture commissioner for the purpose of defraying the expenses of that
13 agency, for the biennium beginning July 1, 2013, and ending June 30, 2015, as follows:

	Adjustments or		
	<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>
16 Salaries and wages	\$9,712,364	\$909,745	\$10,622,109
17 Operating expenses	6,451,453	(679,191)	5,772,262
18 Capital assets	17,000	(5,000)	12,000
19 Grants	3,170,828	800,000	3,970,828
20 State board of animal health	2,153,952	(44,124)	2,109,828
21 Wildlife services	1,417,400	0	1,417,400
22 Crop harmonization board	75,000	0	75,000
23 Accrued leave payments	0	237,295	237,295
24 Total all funds	\$22,997,997	\$1,218,725	\$24,216,722

1	Less estimated income	14,801,251	223,143	15,024,394
2	Total general fund	\$8,196,746	\$995,582	\$9,192,328
3	Full-time equivalent positions	77.00	0.00	77.00
4	Salaries and wages	\$9,712,364	\$1,148,831	\$10,861,195
5	Operating expenses	6,451,453	(566,191)	5,885,262
6	Capital assets	17,000	(5,000)	12,000
7	Grants	3,170,828	1,425,000	4,595,828
8	State board of animal health	2,153,952	(44,124)	2,109,828
9	Wildlife services	1,417,400	0	1,417,400
10	Crop harmonization board	75,000	0	75,000
11	Accrued leave payments	0	237,295	237,295
12	Total all funds	\$22,997,997	\$2,195,811	\$25,193,808
13	Less estimated income	14,801,251	953,340	15,754,591
14	Total general fund	\$8,196,746	\$1,242,471	\$9,439,217
15	Full-time equivalent positions	77.00	0.00	77.00

16 **SECTION 2. TRANSFER - ENVIRONMENT AND RANGELAND PROTECTION FUND -**
17 **MINOR USE PESTICIDE FUND.** The agriculture commissioner shall transfer \$325,000 from the
18 environment and rangeland protection fund to the minor use pesticide fund during the biennium
19 beginning July 1, 2013, and ending June 30, 2015.

20 **SECTION 3. ESTIMATED INCOME - ENVIRONMENT AND RANGELAND PROTECTION**
21 **FUND.** The estimated income line item in section 1 of this Act includes the sum of
22 ~~\$5,997,408~~\$6,064,403, or so much of the sum as may be necessary, from the environment and
23 rangeland protection fund for the purpose of defraying the expenses of various department of
24 agriculture programs, for the biennium beginning July 1, 2013, and ending June-30, 2015.

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

30 **SECTION 5. ESTIMATED INCOME - STATE WATER COMMISSION - TRANSFER.** The
31 estimated income line item in section 1 of this Act includes the sum of \$250,000 which the state

1 water commission shall transfer to the agriculture commissioner for the wildlife services
2 program, for the biennium beginning July 1, 2013, and ending June 30, 2015.

3 **SECTION 6. EXEMPTION - JOHNE'S DISEASE CONTROL.** The amount appropriated for
4 Johne's disease control in section 1 of chapter 35 of the 2011 Session Laws is not subject to
5 section 54-44.1-11 and any unexpended appropriations may be continued into the biennium
6 beginning July 1, 2013, and ending June 30, 2015.

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

9 ~~4-01-21. Salary of agriculture commissioner.~~

10 ~~The annual salary of the agriculture commissioner is ninety-two thousand~~
11 ~~eight hundred twenty-six~~ ~~seventy-eight~~ ~~dollars through June 30, 2012~~ ~~2014~~, and
12 ~~ninety-five thousand one hundred one thousand six~~ ~~four~~ ~~hundred ten~~ ~~thirty-two~~ ~~dollars thereafter.~~

13 **SECTION 7. NORTH DAKOTA MEDIATION SERVICE - REPORT TO SIXTY-FOURTH**
14 **LEGISLATIVE ASSEMBLY.** The agriculture commissioner shall provide a report to the
15 appropriations committees of the sixty-fourth legislative assembly regarding the activities of the
16 North Dakota mediation service. The report must include information regarding the amount of
17 funding used for the program, the use of contracted services for the program, the success of
18 resolving disputes, and the amount of services provided for agriculture mediation, energy
19 development mediation, and other mediation areas.

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

22 **4-01-21. Salary of agriculture commissioner.**

23 The annual salary of the agriculture commissioner is ~~ninety-two thousand eight hundred-~~
24 ~~twenty-six~~ ninety-nine thousand four hundred thirty-five dollars through June 30, ~~2012~~ 2014, and
25 ~~ninety-five thousand six hundred ten~~ one hundred two thousand four hundred eighteen dollars
26 thereafter.

27 **SECTION 9.** A new section to chapter 19-13.1 of the North Dakota Century Code is created
28 and enacted as follows:

29 **Deposit of fees.**

30 The commissioner shall forward all inspection fees, license fees, and registration fees
31 received under this chapter to the state treasurer. The state treasurer shall deposit the first

1 ~~\$485,000~~\$727,500 of fees received under this chapter each biennium in the environment and
2 rangeland protection fund and any remaining fees in the general fund.

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

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