

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

HOUSE BILL NO. 1009
(Appropriations Committee)
(At the request of the Governor)

AN ACT to provide an appropriation for defraying the expenses of the agriculture commissioner; to create and enact a new section to chapter 19-13.1 of the North Dakota Century Code, relating to license, inspection, and registration fees; to amend and reenact section 4-01-21 of the North Dakota Century Code, relating to the salary of the agriculture commissioner; to provide for transfers; to provide for a legislative management study of the milk marketing board; to provide for a report to the sixty-fourth legislative assembly; and to provide an exemption.

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

SECTION 2. 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 3. ESTIMATED INCOME - ENVIRONMENT AND RANGELAND PROTECTION FUND. The estimated income line item in section 1 of this Act includes the sum of \$6,064,403, or so much of the sum as may be necessary, from the environment and rangeland protection fund for the purpose of defraying the expenses of various department of agriculture programs, for the biennium beginning July 1, 2013, and ending June-30, 2015.

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

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

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

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

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

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

4-01-21. Salary of agriculture commissioner.

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

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

Deposit of fees.

The commissioner shall forward all inspection fees, license fees, and registration fees received under this chapter to the state treasurer. The state treasurer shall deposit the first \$727,500 of fees received under this chapter each biennium in the environment and rangeland protection fund and any remaining fees in the general fund.

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

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. 1009.

House Vote: Yeas 90 Nays 0 Absent 4

Senate Vote: Yeas 47 Nays 0 Absent 0

Chief Clerk of the House

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