

Fifty-fifth  
Legislative Assembly  
of North Dakota

## ENGROSSED SENATE BILL NO. 2064

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 office of  
2 management and budget, extension service, northern crops institute, upper great plains  
3 transportation institute, and the experiment centers; to provide for an interim legislative council  
4 study; to create and enact a new subsection to section 54-44-04 of the North Dakota Century  
5 Code, relating to the duties of the director of the office of management and budget; to amend  
6 and reenact sections 4-22-04, 4-22-06, and 4-22-22 of the North Dakota Century Code, relating  
7 to the state soil conservation committee; to repeal section 4-22-05 of the North Dakota Century  
8 Code, relating to employees of the state soil conservation committee; and to declare an  
9 emergency.

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

11 **SECTION 1. APPROPRIATION.** The funds provided in this section, or so much of the  
12 funds as may be necessary, are hereby appropriated out of any moneys in the general fund in  
13 the state treasury, not otherwise appropriated, and from special funds derived from federal  
14 funds and other income to the North Dakota state university extension service, the northern  
15 crops institute, the upper great plains transportation institute, and the North Dakota agricultural  
16 experiment centers for the purpose of defraying the expenses of their various divisions, for the  
17 biennium beginning July 1, 1997, and ending June 30, 1999, as follows:

18 Subdivision 1.

19 NORTH DAKOTA STATE UNIVERSITY EXTENSION SERVICE

20 Salaries and wages	\$20,665,371
21 Operating expenses	3,547,204
22 Equipment	<u>450,000</u>
23 Total all funds	\$24,662,575

Fifty-fifth  
Legislative Assembly

1	Less estimated income	<u>13,017,998</u>
2	Total general fund appropriation	\$11,644,577
3	Subdivision 2.	
4	NORTHERN CROPS INSTITUTE	
5	Salaries and wages	\$ 780,678
6	Operating expenses	121,231
7	Equipment	<u>72,450</u>
8	Total all funds	\$ 974,359
9	Less estimated income	<u>335,977</u>
10	Total general fund appropriation	\$ 638,382
11	Subdivision 3.	
12	UPPER GREAT PLAINS TRANSPORTATION INSTITUTE	
13	Salaries and wages	\$ 2,132,128
14	Operating expenses	1,530,665
15	Equipment	45,000
16	Grants	<u>1,150,000</u>
17	Total all funds	\$ 4,857,793
18	Less estimated income	<u>4,403,417</u>
19	Total general fund appropriation	\$ 454,376
20	Subdivision 4.	
21	AGRICULTURAL EXPERIMENT STATION	
22	Salaries and wages	<u>\$40,678,794</u>
23	Total all funds	\$40,678,794
24	Estimated income:	
25	Main research station	\$10,082,075
26	North central research center	45,787
27	Carrington research center	<u>151,483</u>
28	Less total estimated income	<u>10,279,345</u>
29	Total general fund appropriation	\$30,399,449
30	Subdivision 5.	
31	MAIN RESEARCH CENTER	

Fifty-fifth  
Legislative Assembly

1	Operating expenses	\$ 4,727,617
2	Equipment	1,367,746
3	Capital improvements	1,158,800
4	Animal replacement	<u>300,000</u>
5	Total special funds appropriation	\$ 7,554,163

6 Subdivision 6.

7 DICKINSON RESEARCH CENTER

8	Operating expenses	\$ 467,618
9	Equipment	54,076
10	Animal replacement	<u>100,000</u>
11	Total all funds	\$ 621,694
12	Less estimated income	<u>531,676</u>
13	Total general fund appropriation	\$ 90,018

14 Subdivision 7.

15 CENTRAL GRASSLANDS RESEARCH CENTER

16	Operating expenses	\$ 390,156
17	Equipment	85,193
18	Animal replacement	<u>100,000</u>
19	Total all funds	\$ 575,349
20	Less estimated income	<u>451,400</u>
21	Total general fund appropriation	\$ 121,949

22 Subdivision 8.

23 HETTINGER RESEARCH CENTER

24	Operating expenses	\$ 230,608
25	Equipment	112,600
26	Animal replacement	<u>100,000</u>
27	Total all funds	\$ 443,208
28	Less estimated income	<u>301,068</u>
29	Total general fund appropriation	\$ 142,140

30 Subdivision 9.

31 LANGDON RESEARCH CENTER

Fifty-fifth  
Legislative Assembly

1	Operating expenses	\$ 175,181
2	Equipment	<u>42,800</u>
3	Total all funds	\$ 217,981
4	Less estimated income	<u>178,350</u>
5	Total general fund appropriation	\$ 39,631
6	Subdivision 10.	
7	NORTH CENTRAL RESEARCH CENTER	
8	Operating expenses	\$ 325,439
9	Equipment	106,200
10	Capital improvements	<u>200,000</u>
11	Total special funds appropriation	\$ 631,639
12	Subdivision 11.	
13	WILLISTON RESEARCH CENTER	
14	Operating expenses	\$ 303,213
15	Equipment	<u>159,900</u>
16	Total all funds	\$ 463,113
17	Less estimated income	<u>233,123</u>
18	Total general fund appropriation	\$ 229,990
19	Subdivision 12.	
20	CARRINGTON RESEARCH CENTER	
21	Operating expenses	\$ 652,890
22	Equipment	182,500
23	Animal replacement	<u>100,000</u>
24	Total all funds	\$ 935,390
25	Subdivision 13.	
26	AGRONOMY SEED FARM	
27	Salaries and wages	\$ 303,231
28	Operating expenses	598,468
29	Equipment	172,000
30	Capital improvements	80,000
31	Capital improvements - farm shop	<u>100,000</u>

1	Total special funds appropriation	\$ 1,253,699
2	Grand total general fund appropriation S.B. 2064	\$44,422,512
3	Grand total special funds appropriation S.B. 2064	\$40,107,245
4	Grand total all funds appropriation S.B. 2064	\$84,529,757

5       **SECTION 2. APPROPRIATION.** There is hereby appropriated out of any moneys in  
6 the general fund in the state treasury, not otherwise appropriated, the sum of \$660,000, or so  
7 much of the sum as may be necessary, to the office of management and budget for the  
8 purpose of providing soil conservation technician grants to soil conservation districts of up to  
9 \$650,000 and for paying committee member per diem and expenses of up to \$10,000 for the  
10 biennium beginning July 1, 1997, and ending June 30, 1999. The office of management and  
11 budget shall disburse these funds as directed by the soil conservation committee.

12       **SECTION 3. ADDITIONAL INCOME - APPROPRIATION.** Any additional income  
13 including funds from the federal government and gifts and donations from private sources  
14 received by the North Dakota agricultural experiment station, northern crops institute, upper  
15 great plains transportation institute, and the North Dakota state university extension service,  
16 except as otherwise provided by law, is hereby appropriated for the purpose designated in the  
17 gift, grant, or donation. All of the moneys in the operating fund must remain in the fund until  
18 expended pursuant to any specific legislative appropriation or an authorization from the  
19 emergency commission, and the balances of the moneys except those received from the  
20 federal government or as gifts from private sources, must be used to reduce the amount of  
21 moneys to be expended pursuant to the general fund appropriation only to the extent that the  
22 unencumbered balance in the operating fund on June 30, 1997, exceeds the estimated income  
23 for the biennium ending June 30, 1999.

24       **SECTION 4. FUNDING ALLOCATIONS - AUTHORITY.** The amounts in subdivision 4  
25 of section 1 must be used for the benefit of the entities of the agricultural experiment station as  
26 determined by the vice president for agriculture at North Dakota state university in accordance  
27 with the guidelines established in section 5 of this Act.

28       **SECTION 5. ALLOCATIONS - SALARIES AND WAGES - LEGISLATIVE INTENT -**  
29 **DECLARATION OF PURPOSE - GUIDELINES.**

30       1. It is the intent of the legislative assembly that the vice president for agriculture at  
31 North Dakota state university consider the following items in making annual budget

allocations for salaries and wages from the appropriations contained in  
subdivision 4 of section 1 of this Act:

- a. Base salary allocations are to be made for operations based on mission, historical funding, research programs, and services of each entity.
- b. Salary increase allocations are to be made based on general salary increases, one-time increases, performance-based increases, market increases, and other increases, including workload changes, new responsibilities, and promotions.
- c. Targeted initiative allocations are to be made as approved by the legislative assembly.

2. It is the intent of the legislative assembly that allocations are not to be used to close any entity of the agricultural experiment station nor may the work of any entity be substantially reorganized except as authorized by the legislative assembly.

3. It is the intent of the legislative assembly that each entity of the agricultural experiment station receive salaries and wages funding for the 1997-99 biennium that are at least ninety-five percent of the salaries and wages funding for the 1995-97 biennium.

4. The vice president for agriculture at North Dakota state university shall periodically report to the budget section of the legislative council on the allocations made pursuant to this section and shall make recommendations regarding the allocation process for the 1999-2001 biennium.

**SECTION 6. TRANSFER AUTHORITY.** The state board of higher education is authorized to approve transfer of funds between line items for each agency included in section 1 of this Act and shall notify the office of management and budget within ten days following the transfer.

**SECTION 7. TRANSFER AUTHORITY.** Upon approval of the state board of higher education and the emergency commission, the director of the North Dakota agricultural experiment station may transfer appropriation authority between agencies included in subdivision 2 and in subdivisions 4 through 13 of section 1 of this Act.

**SECTION 8. LINE ITEM TRANSFERS - EMERGENCY COMMISSION.**

Notwithstanding any other provision of law, the emergency commission may authorize the entities in subdivisions 5 through 13 of section 1 of this Act to establish a capital improvements line item and to transfer appropriation authority from another line item within the same subdivision to the capital improvements line item for the biennium beginning July 1, 1997, and ending June 30, 1999.

**SECTION 9. LEGISLATIVE INTENT - PART-TIME LABOR.**

It is the intent of the legislative assembly that the board of higher education may authorize transfers for the entities of the agricultural experiment station of up to five percent of a capital improvements line item to salaries and wages for part-time labor costs relating to repairs, maintenance, and improvements at the research centers for the biennium beginning July 1, 1997, and ending June 30, 1999.

**SECTION 10. AGRICULTURAL STORAGE FACILITIES.**

The board of higher education may authorize the construction of structures for storage of agricultural products or equipment by entities listed in section 1 of this Act provided the structures do not exceed \$100,000 in cost.

**SECTION 11. LEGISLATIVE INTENT - FULL-TIME EQUIVALENTS.**

The board of higher education is authorized to adjust or increase full-time equivalent positions as needed, subject to availability of funds. The board shall report any adjustments to the office of management and budget prior to the submission of the 1999-2001 budget request.

**SECTION 12. INTERIM LEGISLATIVE COUNCIL STUDY.**

Because the North Dakota state university cooperative extension service and agricultural research centers are part of the North Dakota university system, the legislative council, during the 1997-99 interim, shall study the feasibility and desirability of including the extension service and research centers appropriations in the same appropriations bill as other entities of the university system. If the legislative council determines it is feasible and desirable, it shall recommend the format for the appropriations bill to be introduced to the 1999 legislative assembly.

**SECTION 13. AMENDMENT.**

Section 4-22-04 of the North Dakota Century Code is amended and reenacted as follows:

**4-22-04. Committee - Chairman - Quorum - Compensation - Provision for surety**

**bonds and annual audit.** The committee shall meet annually and select its chairman, who

1 shall serve for one year from the date of his selection and who is not eligible for a second term  
2 as chairman. Additional meetings may be held by the committee as considered necessary by  
3 the chairman, at a time and place to be fixed by the chairman. Special meetings must be called  
4 by the chairman upon written request of any four members. A majority of the committee  
5 constitutes a quorum, and the concurrence of a majority in any matter within its duties is  
6 required for its determination. The members of the committee shall receive forty-five dollars  
7 per day as compensation for their services on the committee, and are entitled to expenses,  
8 including traveling expenses, necessarily incurred in the discharge of their duties on the  
9 committee, in the same manner and at the same rate as prescribed by law for state employees  
10 and officials. ~~The committee shall provide for the execution of surety bonds, which may be~~  
11 ~~issued by the state bonding fund, for all employees who are entrusted with funds or property;~~  
12 ~~shall provide for the keeping of a full and accurate record of all proceedings and of all~~  
13 ~~resolutions, rules, and orders issued or adopted; and shall provide for an annual audit of the~~  
14 ~~accounts of receipts and disbursements.~~

15 **SECTION 14. AMENDMENT.** Section 4-22-06 of the North Dakota Century Code is  
16 amended and reenacted as follows:

17 **4-22-06. Duties and powers generally.** In addition to the duties and powers  
18 hereinafter conferred upon the state soil conservation committee, it has the following duties and  
19 powers:

- 20 1. ~~To offer such assistance as may be appropriate to the supervisors of soil~~  
21 ~~conservation districts in the carrying out of any of their powers and programs.~~
- 22 2. To keep the supervisors of each of the several districts informed of the activities  
23 and experience of all other districts, and to facilitate an interchange of advice and  
24 experience between ~~such~~ the districts and cooperation between them.
- 25 3. 2. To coordinate the programs of the several conservation districts so far as this may  
26 be done by advice and consultation.
- 27 4. ~~To secure the cooperation and assistance of state, federal, regional, interstate,~~  
28 ~~and local, public, and private agencies with conservation districts; and to facilitate~~  
29 ~~arrangements under which conservation districts may assist or serve county~~  
30 ~~governing bodies and other agencies in the administration of any activity~~  
31 ~~concerned with the conservation of natural resources.~~



- 1       5- ~~3.~~   To disseminate information throughout the state concerning the activities and  
2                   programs of the soil conservation districts, and to encourage the formation of such  
3                   soil conservation districts in areas where their organization is desirable.
- 4       6-   To review district programs, to coordinate the programs of the several districts, and  
5                   to coordinate programs and activities as they relate to other special purpose  
6                   districts.
- 7       7-   To review agreements, or forms of agreements, proposed to be entered into by  
8                   districts with other districts or with state, federal, interstate, or other public or  
9                   private organizations, and advise the districts concerning such agreements or  
10                  forms of agreement.
- 11      8-   To recommend the inclusion in annual and longer term budgets of funds necessary  
12                  from the legislative assembly to finance the activities of the committee and  
13                  districts; and to distribute such moneys appropriated by the legislative assembly  
14                  according to applicable state laws or regulations.
- 15      9-   To compile information and make studies, summaries, and other analyses of  
16                  district programs in relation to each other and to other resource conservation  
17                  programs on a statewide basis.
- 18      10-   To represent the state in matters affecting soil conservation.
- 19      44- ~~4.~~   To require annual reports from conservation districts, the form and content of  
20                  which must be developed by the committee on consultation with district  
21                  supervisors.
- 22      12-   To establish uniform accounting methods which must be used by soil conservation  
23                  districts, and to establish a uniform auditing reporting system.
- 24      13-   Pursuant to procedures developed mutually by the committee and other state and  
25                  local agencies that are authorized to plan or administer activities significantly  
26                  affecting the conservation of natural resources, to receive from such agencies for  
27                  review and comment suitable descriptions of their plans, programs, and activities  
28                  for purposes of coordination with district conservation programs; to arrange for and  
29                  participate in conferences necessary to avoid conflict among such plans and  
30                  programs; to call attention to omissions; and to avoid duplication of effort.

1           ~~14. To develop and administer policy guidelines which the districts shall follow in the~~  
2           ~~operation of district activities.~~

3           5. To distribute grants to soil conservation districts as authorized by the legislative  
4           assembly.

5           **SECTION 15. AMENDMENT.** Section 4-22-22 of the North Dakota Century Code is  
6 amended and reenacted as follows:

7           **4-22-22. Supervisors - Terms of office - Vacancies - Removal - Compensation -**  
8 **Expenses.** At the general election to be held in 1972, three district supervisors must be  
9 elected. The candidate receiving the largest number of votes is elected for a six-year term; the  
10 candidate receiving the second highest number of votes is elected for a four-year term; and the  
11 candidate receiving the third highest number of votes is elected for a two-year term. At each  
12 succeeding general election, one supervisor must be elected for a term of six years, or until the  
13 successor is duly elected and qualified, to each expiring or vacant term. In newly formed  
14 districts, three supervisors must be elected at the first general election following the district's  
15 organization. The candidate receiving the largest number of votes is elected for a six-year  
16 term; the candidate receiving the second highest number of votes is elected for a four-year  
17 term; and the candidate receiving the third highest number of votes is elected for a two-year  
18 term. At each succeeding general election, one supervisor must be elected for a term of six  
19 years, or until the successor is duly elected and qualified, to each expiring or vacant term. The  
20 county auditor of the county or counties in which the district lies shall return to the secretary of  
21 state within fifteen days following any general election a certified abstract of the votes cast in  
22 the county at such election for each candidate for district supervisor. At the time that the  
23 county auditor transmits the certified abstract of the votes cast for each candidate, the county  
24 auditor shall file with the secretary of state a certificate showing the name and address of each  
25 candidate.

26           In order to be eligible for election to the office of supervisor, candidates must be land  
27 occupiers and physically living in the district. Candidates must be elected on a nonpartisan  
28 ballot. In case the office of any supervisor, for any reason, becomes vacant, the remaining  
29 members of the board of supervisors shall, with the advice and consent of the state committee,  
30 fill the vacancy by appointment. If vacancies occur in the office of two supervisors, the  
31 remaining supervisor and the state committee shall fill the vacancy; and in case the offices of

1 all supervisors of a district become vacant, the state committee shall fill the vacancies by  
2 appointment. A supervisor appointed to fill a vacancy holds office until the next general  
3 election. A supervisor elected to fill a vacancy serves the balance of the unexpired term in  
4 which the vacancy occurred.

5 Any soil conservation district, upon resolution of the three elected supervisors, may  
6 appoint two additional supervisors who shall serve for a term of one year from and after the  
7 date of their appointment. Such supervisors must be appointed by a majority of the three  
8 elected supervisors and have all the powers, voting privileges, duties, and responsibilities of  
9 elected supervisors, except that the expense allowances of the appointed supervisors must be  
10 paid by the local soil conservation district concerned. As far as possible, the appointed  
11 supervisors shall represent interests within the district which are not represented by the elected  
12 supervisors.

13 Any supervisor of a soil conservation district may, after notice given and hearing held in  
14 accordance with chapter 28-32, be removed from office by the state committee.

15 The supervisors of soil conservation districts are entitled to receive, upon a majority  
16 vote of the supervisors, twenty-five dollars for attending each regular or special meeting as  
17 compensation for their services. Supervisors of soil conservation districts are entitled to  
18 receive travel and subsistence expenses necessarily incurred in attending district, state, or  
19 other meetings approved by the state soil conservation committee, ~~which expenses must be~~  
20 ~~paid from appropriations available to the state committee.~~ The compensation and all other  
21 expenses including travel incurred by district supervisors while transacting district business and  
22 not specifically authorized by the state soil conservation committee must be paid from district  
23 funds.

24 **SECTION 16.** A new subsection to section 54-44-04 of the North Dakota Century Code  
25 is created and enacted as follows:

26 Shall provide staff and other support services to the state soil conservation  
27 committee.

28 **SECTION 17. REPEAL.** Section 4-22-05 of the 1995 Supplement to the Dakota  
29 Century Code is repealed."

30 **SECTION 18. EMERGENCY.** The equipment line item in subdivision 8 of section 1 of  
31 this Act is declared to be an emergency measure.