

**FIRST ENGROSSMENT
with Conference Committee Amendments****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 provide for a livestock health permit inspection program; to amend and
3 reenact sections 4-01-19 and 4-01-21 and subdivision d of subsection 1 of section 19-18-04 of
4 the North Dakota Century Code, relating to marketing program revenue, the salary of the
5 agriculture commissioner, and pesticide registration fees; to provide for a legislative council
6 study; and to declare an emergency.

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
9 funds 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, 2009, and ending June 30, 2011, as follows:

| | | Adjustments or | |
|-----------------------------|-------------------|---------------------|----------------------|
| | <u>Base Level</u> | <u>Enhancements</u> | <u>Appropriation</u> |
| 15 Salaries and wages | \$6,984,840 | \$1,581,356 | \$8,566,196 |
| 16 Operating expenses | 4,714,383 | 1,380,220 | 6,094,603 |
| 17 Capital assets | 5,000 | 0 | 5,000 |
| 18 Grants | 1,849,225 | 1,120,600 | 2,969,825 |
| 19 Board of animal health | 2,299,702 | 263,623 | 2,563,325 |
| 20 Wildlife services | 1,209,000 | (141,600) | 1,067,400 |
| 21 Crop harmonization board | <u>25,000</u> | <u>25,000</u> | <u>50,000</u> |
| 22 Total all funds | \$17,087,150 | \$4,229,199 | \$21,316,349 |
| 23 Less estimated income | <u>11,388,326</u> | <u>2,706,140</u> | <u>14,094,466</u> |

| | | | | |
|---|--------------------------------|-------------|-------------|-------------|
| 1 | Total general fund | \$5,698,824 | \$1,523,059 | \$7,221,883 |
| 2 | Full-time equivalent positions | 67.50 | 7.00 | 74.50 |

3 **SECTION 2. APPROPRIATION.** There is appropriated out of any moneys in the
4 general fund in the state treasury, not otherwise appropriated, the sum of \$130,000, or so much
5 of the sum as may be necessary, to the agriculture commissioner for the purpose of employing
6 a department transition support position, for the period beginning with the effective date of this
7 Act and ending June 30, 2011. The agriculture commissioner is authorized one full-time
8 equivalent position for the period beginning with the effective date of this Act and ending
9 December 31, 2010. The funding provided in this section is considered one-time funding.

10 **SECTION 3. ESTIMATED INCOME - ENVIRONMENT AND RANGELAND**
11 **PROTECTION FUND.** The estimated income line item in section 1 of this Act includes the sum
12 of \$3,888,578, or so much of the sum as may be available, from the environment and
13 rangeland protection fund for the purpose of defraying the expenses of various agriculture
14 department programs, for the biennium beginning July 1, 2009, and ending June 30, 2011.

15 **SECTION 4. ANHYDROUS AMMONIA STORAGE INSPECTION FUND.** The
16 estimated income line item in section 1 of this Act includes the sum of \$40,000, or so much of
17 the sum as may be available, from the anhydrous ammonia storage inspection fund for the
18 purpose of defraying the expenses of regulating anhydrous ammonia storage facilities, for the
19 biennium beginning July 1, 2009, and ending June 30, 2011.

20 **SECTION 5. ESTIMATED INCOME - GAME AND FISH FUND.** The estimated income
21 line item in section 1 of this Act includes the sum of \$968,800, or so much of the sum as may
22 be necessary, from the game and fish department operating fund for the purpose of defraying
23 the expenses of various agriculture department programs for the biennium beginning July 1,
24 2009, and ending June 30, 2011.

25 **SECTION 6. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO**
26 **SIXTY-SECOND LEGISLATIVE ASSEMBLY.** The following amounts reflect the one-time
27 funding items approved by the sixtieth legislative assembly for the 2007-09 biennium and the
28 2009-11 one-time funding items included in the appropriation in section 1 of this Act:

| | | | |
|----|-------------------------------------|----------------|----------------|
| 29 | <u>One-Time Funding Description</u> | <u>2007-09</u> | <u>2009-11</u> |
| 30 | Animal tracking database | \$90,836 | \$0 |
| 31 | Total general fund | \$90,836 | \$0 |

1 The 2009-11 one-time funding amounts are not a part of the entity's base budget for the
2 2011-13 biennium. The agriculture commissioner shall report to the appropriations committees
3 of the sixty-second legislative assembly on the use of this one-time funding for the biennium
4 beginning July 1, 2009, and ending June 30, 2011.

5 **SECTION 7. LEGISLATIVE COUNCIL STUDY - WILDLIFE SERVICES.** During the
6 2009-10 interim, the legislative council shall consider studying the cooperative agreement
7 between the agriculture commissioner and the United States department of agriculture wildlife
8 services program. The study, if conducted, must include a review of current program funding
9 sources and a review of wildlife damage control programs in other states, including South
10 Dakota. The legislative council shall report its findings and recommendations, together with
11 any legislation required to implement the recommendations, to the sixty-second legislative
12 assembly.

13 **SECTION 8. LIVESTOCK HEALTH PERMIT INSPECTION PROGRAM.** The state
14 board of animal health shall increase the number of health permit inspections on livestock
15 entering the state for the biennium beginning July 1, 2009, and ending June 30, 2011. As part
16 of the program, the board shall provide public information on the results of the livestock health
17 permit inspections.

18 **SECTION 9. OFFICE SPACE LEASE FUNDING - BUDGET SECTION APPROVAL.**
19 The operating expenses line item in section 1 of this Act includes the sum of \$120,000 from the
20 general fund which the agriculture commissioner may use to lease additional office space for
21 department purposes, subject to budget section approval.

22 **SECTION 10. PROJECT SAFE SEND - 2009 FLOOD PESTICIDE CLEANUP.** The
23 operating expenses line item in section 1 of this Act includes the sum of \$40,000 from the
24 environment and rangeland protection fund which the agriculture commissioner shall use for
25 the collection of damaged pesticides resulting from 2009 flooding under the project safe send
26 program for the period beginning with the effective date of this Act and ending June 30, 2011.

27 **SECTION 11. AMENDMENT.** Section 4-01-19 of the North Dakota Century Code is
28 amended and reenacted as follows:

29 **4-01-19. Marketing bureau.** The agriculture commissioner shall establish and
30 maintain a marketing bureau for the purpose of gathering and disseminating statistical
31 information on agricultural marketing problems of the state and engaging in marketing services

1 of agricultural products. Any moneys received or generated by the pride of Dakota program
2 must be deposited in the ~~general~~ agriculture department operating fund in the state treasury.

3 **SECTION 12. AMENDMENT.** Section 4-01-21 of the North Dakota Century Code is
4 amended and reenacted as follows:

5 **4-01-21. Salary of agriculture commissioner.** The annual salary of the agriculture
6 commissioner is ~~seventy-eight~~ eighty-five thousand ~~five~~ eight hundred ~~ninety-nine~~ thirty dollars
7 through June 30, ~~2008~~ 2010, and ~~eighty-one~~ ninety thousand ~~seven~~ one hundred ~~forty-three~~
8 twenty-two dollars thereafter.

9 **SECTION 13. AMENDMENT.** Subdivision d of subsection 1 of section 19-18-04 of the
10 North Dakota Century Code is amended and reenacted as follows:

- 11 d. Be accompanied by a registration fee of three hundred fifty dollars for each
12 product to be registered. At the close of each calendar month, the
13 commissioner shall transmit to the state treasurer all moneys received for the
14 registrations. The state treasurer shall credit ~~fifty dollars for each registered~~
15 ~~product to the general fund in the state treasury and the remainder of the~~
16 registration fee for each registered product to the environment and rangeland
17 protection fund.

18 **SECTION 14. FULL-TIME EQUIVALENT POSITION - EMERGENCY COMMISSION**
19 **APPROVAL.** The agriculture commissioner may request from the emergency commission an
20 additional full-time equivalent position for the state meat inspection program if demand for the
21 program increases sufficient to require the position for the biennium beginning July 1, 2009,
22 and ending June 30, 2011.

23 **SECTION 15. EMERGENCY.** The sum of \$40,000 for project safe send included in the
24 operating expenses line item in section 1 and section 2 of this Act are declared to be an
25 emergency measure.