

**FIRST ENGROSSMENT
with Senate 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 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:

		Adjustments or	
	<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>
15 Salaries and wages	\$9,712,364	\$1,572,167	\$11,284,531
16 Operating expenses	6,451,453	(566,191)	5,885,262
17 Capital assets	17,000	(5,000)	12,000
18 Grants	3,170,828	1,505,000	4,675,828
19 State board of animal health	2,153,952	(18,149)	2,135,803
20 Wildlife services	1,417,400	0	1,417,400
21 Crop harmonization board	<u>75,000</u>	<u>0</u>	<u>75,000</u>
22 Total all funds	\$22,997,997	\$2,487,827	\$25,485,824
23 Less estimated income	<u>14,801,251</u>	<u>1,044,828</u>	<u>15,846,079</u>

1	Total general fund	\$8,196,746	\$1,442,999	\$9,639,745
2	Full-time equivalent positions	77.00	0.00	77.00

3 **SECTION 2. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO**

4 **SIXTY-FOURTH LEGISLATIVE ASSEMBLY.** The following amounts reflect the one-time
5 funding items approved by the sixty-second legislative assembly for the 2011-13 biennium and
6 the 2013-15 one-time funding items included in the appropriation in section 1 of this Act:

7	<u>One-Time Funding Description</u>	<u>2011-13</u>	<u>2013-15</u>
8	Centennial farms program grant	\$0	\$80,000
9	Total general fund	\$0	\$80,000

10 The 2013-15 one-time funding amounts are not a part of the entity's base budget for the
11 2015-17 biennium. The agriculture commissioner shall report to the appropriations committees
12 of the sixty-fourth legislative assembly on the use of this one-time funding for the biennium
13 beginning July 1, 2013, and ending June 30, 2015.

14 **SECTION 3. TRANSFER - ENVIRONMENT AND RANGELAND PROTECTION FUND -**

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

18 **SECTION 4. ESTIMATED INCOME - ENVIRONMENT AND RANGELAND PROTECTION**

19 **FUND.** The estimated income line item in section 1 of this Act includes the sum of \$6,122,681,
20 or so much of the sum as may be necessary, from the environment and rangeland protection
21 fund for the purpose of defraying the expenses of various department of agriculture programs,
22 for the biennium beginning July 1, 2013, and ending June 30, 2015.

23 **SECTION 5. ESTIMATED INCOME - GAME AND FISH FUND.** The estimated income line

24 item in section 1 of this Act includes the sum of \$484,398, or so much of the sum as may be
25 necessary, from the game and fish department operating fund for the purpose of defraying the
26 expenses of various department of agriculture programs, for the biennium beginning July 1,
27 2013, and ending June 30, 2015.

28 **SECTION 6. ESTIMATED INCOME - STATE WATER COMMISSION - TRANSFER.** The

29 estimated income line item in section 1 of this Act includes the sum of \$250,000 which the state
30 water commission shall transfer to the agriculture commissioner for the wildlife services
31 program, for the biennium beginning July 1, 2013, and ending June 30, 2015.

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

5 **SECTION 8. DEPARTMENT OF AGRICULTURE OFFICE LEASE - TERMINATION.** The
6 agriculture commissioner shall terminate any lease of office space off of the capitol grounds if
7 sufficient office space on the capitol grounds is provided to the department of agriculture by the
8 office of management and budget for the biennium beginning July 1, 2013, and ending June 30,
9 2015.

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

12 **4-01-21. Salary of agriculture commissioner.**

13 The annual salary of the agriculture commissioner is ~~ninety-two thousand eight hundred-~~
14 ~~twenty-six~~ninety-nine thousand four hundred thirty-five dollars through June 30, ~~2012~~2014, and
15 ~~ninety-five thousand six hundred ten~~one hundred three thousand four hundred twelve dollars
16 thereafter.

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

19 **Deposit of fees.**

20 The commissioner shall forward all inspection fees, license fees, and registration fees
21 received under this chapter to the state treasurer. The state treasurer shall deposit the fees
22 received under this chapter in the environment and rangeland protection fund.

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

24 During the 2013-14 interim, the legislative management shall consider studying the structure of
25 the milk marketing board; its statutory duties; the manner in which it prescribes and regulates
26 producer, distributor, and retail prices throughout the state; and the manner in which it
27 investigates and resolves concerns regarding the price and availability of milk throughout the
28 state. If conducted, the study must review any policy or regulatory changes that the board has
29 implemented in order to address pricing issues and availability of milk in the western portion of
30 this state. The study must examine whether the continued regulation of the grade A dairy
31 industry is best accomplished by the milk marketing board in its current form and operating

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- 1 under its current statutory directives, whether changes are needed to the board or its statutory
- 2 directives, and whether there are other methods by which the desired results could be
- 3 effectively and efficiently achieved. The legislative management shall report its findings and
- 4 recommendations, together with any legislation required to implement the recommendations, to
- 5 the sixty-fourth legislative assembly.