

**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 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>
15 Salaries and wages	\$9,712,364	\$1,148,831	\$10,861,195
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	1,425,000	4,595,828
19 State board of animal health	2,153,952	(44,124)	2,109,828
20 Wildlife services	1,417,400	0	1,417,400
21 Crop harmonization board	75,000	0	75,000
22 Accrued leave payments	<u>0</u>	<u>237,295</u>	<u>237,295</u>
23 Total all funds	\$22,997,997	\$2,195,811	\$25,193,808

1	Less estimated income	<u>14,801,251</u>	<u>953,340</u>	<u>15,754,591</u>
2	Total general fund	\$8,196,746	\$1,242,471	\$9,439,217
3	Full-time equivalent positions	77.00	0.00	77.00

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

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

13 **SECTION 4. ESTIMATED INCOME - GAME AND FISH FUND.** The estimated income line
14 item in section 1 of this Act includes the sum of \$484,398, or so much of the sum as may be
15 necessary, from the game and fish department operating fund for the purpose of defraying the
16 expenses of various department of agriculture programs, for the biennium beginning July 1,
17 2013, and ending June 30, 2015.

18 **SECTION 5. ESTIMATED INCOME - STATE WATER COMMISSION - TRANSFER.** The
19 estimated income line item in section 1 of this Act includes the sum of \$250,000 which the state
20 water commission shall transfer to the agriculture commissioner for the wildlife services
21 program, for the biennium beginning July 1, 2013, and ending June 30, 2015.

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

26 **SECTION 7. NORTH DAKOTA MEDIATION SERVICE - REPORT TO SIXTY-FOURTH**
27 **LEGISLATIVE ASSEMBLY.** The agriculture commissioner shall provide a report to the
28 appropriations committees of the sixty-fourth legislative assembly regarding the activities of the
29 North Dakota mediation service. The report must include information regarding the amount of
30 funding used for the program, the use of contracted services for the program, the success of

1 resolving disputes, and the amount of services provided for agriculture mediation, energy
2 development mediation, and other mediation areas.

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

5 **4-01-21. Salary of agriculture commissioner.**

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

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

12 **Deposit of fees.**

13 The commissioner shall forward all inspection fees, license fees, and registration fees
14 received under this chapter to the state treasurer. The state treasurer shall deposit the first
15 \$727,500 of fees received under this chapter each biennium in the environment and rangeland
16 protection fund and any remaining fees in the general fund.

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

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