

North Dakota Department of Agriculture



HB 1009

HOUSE APPROPRIATIONS

EDUCATION AND ENVIRONMENT DIVISION

REPRESENTATIVE DAVID MONSON, CHAIRMAN

FRIDAY, JANUARY 15, 2021

Doug Goehring
Agriculture Commissioner

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Purpose

“Government is instituted for the protection, security, and benefit of the people, and they have a right to alter or reform the same whenever public good may require.”

North Dakota Constitution, Article 1, Section 2

Mission

Serve, advocate, protect and promote agriculture to benefit everyone.

Vision

We support agriculture by embracing diversity, innovation, research and trade.

Core Values

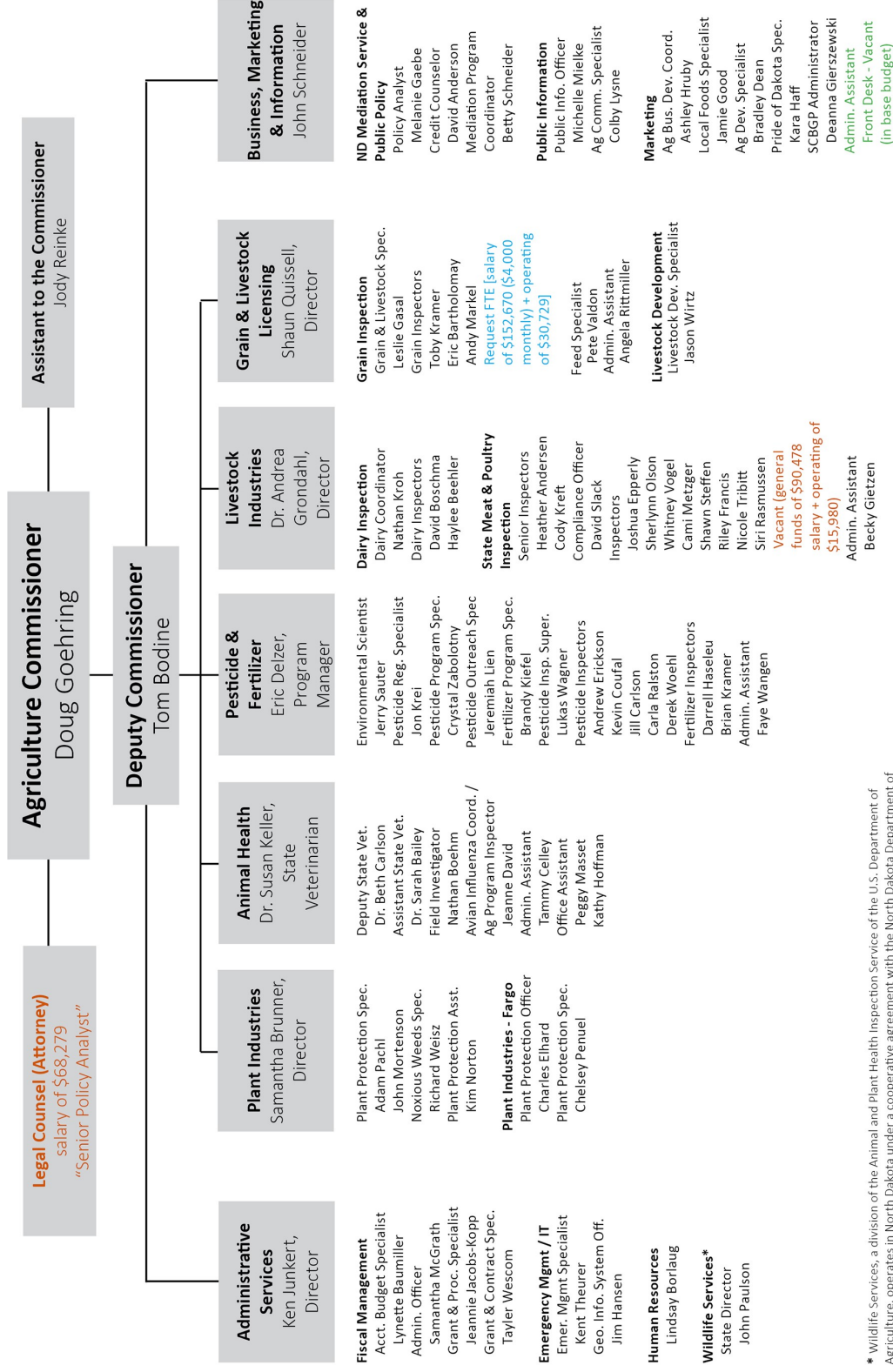
Transparency, Respect, Integrity, Consistency

Statutory Authority

North Dakota Century Code Chapters 4.1-01, 4.1-01.1, 4.1-02, 4.1-03, 4.1-04, 4.1-05, 4.1-06, 4.1-07, 4.1-08, 4.1-09, 4.1-10, 4.1-11, 4.1-12, 4.1-13, 4.1-14, 4.1-15, 4.1-16, 4.1-17, 4.1-18.1, 4.1-19, 4.1-20, 4.1-22, 4.1-23, 4.1-25, 4.1-26, 4.1-27, 4.1-28, 4.1-30, 4.1-31, 4.1-32, 4.1-33, 4.1-34, 4.1-35, 4.1-36, 4.1-37, 4.1-38, 4.1-39, 4.1-40, 4.1-41, 4.1-43, 4.1-44, 4.1-45, 4.1-47, 4.1-48, 4.1-52, 4.1-53, 4.1-54, 4.1-55, 4.1-56, 4.1-57, 4.1-72, 4.1-73, 4.1-74, 4.1-75, 4.1-83, 4.1-88, 6-09.10, 36-14, 36-14.1, 36-15, 36-21.1, 36-25, 36-26, 60-01, 60-02, 60-02.1, 60-04, 60-05, 60-06, 60-10, and 61-31.

Major Statutory Responsibilities

The agriculture commissioner is statutorily responsible for enforcing laws and regulations pertaining to pesticides, fertilizers, anhydrous ammonia, livestock sales, dairy production, noxious weed control, plant export certification, and beekeeping. The commissioner is also responsible for the registration of pesticides, fertilizers, animal feeds, and veterinary medicines; the administration of fair and timely mediation services to agriculture producers, creditors, and energy related issues; the collection and elimination of unusable pesticides; the promotion and marketing of North Dakota products; and the administration of a state meat inspection program. The responsibilities have expanded to include a leadership role in the formation of policies effecting the state's agricultural industries; the advocacy of the needs and concerns of farmers and ranchers on state and national levels; and the distribution of information concerning agricultural issues to the governor, legislature, and the general public. The agriculture commissioner works collaboratively with the Board of Animal Health to protect the health of domestic animals and nontraditional livestock of the state.



* Wildlife Services, a division of the Animal and Plant Health Inspection Service of the U.S. Department of Agriculture, operates in North Dakota under a cooperative agreement with the North Dakota Department of Agriculture, the North Dakota Game and Fish Department, and the North Dakota State Water Commission.

Updated 1/12/2021

Kenneth Junkert, Director

Administrative Services Division

Administrative Services includes fiscal management, risk and emergency response, human resources, and information technology. The division also oversees the cooperative agreement and funding for the USDA Wildlife Services Program.

Fiscal Management

- Oversees the development and tracking of the department's budget.
- Processes payroll.
- Pays all bills and deposits all revenues.
- Reviews and approves contracts and grants.
- Ensures compliance with state and federal laws relating to the department's finances; including expenditure tracking and filing of required reports to federal agencies.
- Responsible for procurement of goods and services for the department.

Risk Management & Emergency Response

- Plan, implement and evaluate strategic emergency management plans.
- Develop and conduct training and education on risk management, loss control and general safety issues.
- Coordinate with Department of Emergency Services.

Human Resources

- Responsible for human resource activities, including recruitment and training.
- Responds to public information requests.

Information Technology

- Maintains desktop support contract with ITD.
- Maintains all desktop and wireless phones.
- Maintains department websites, email and intranet.
- Conducts GIS mapping and works with local government agencies to provide GIS mapping technology and expertise.

	Adjusted Base Level
Salaries	\$2,638,981
Operating	1,027,794
Capital Assets	15,000
Grants	300,000
Pipeline Reclamation	200,000
Wildlife Services	1,457,400
Total	\$5,639,175
General	\$3,310,048
Federal	296,557
Special	2,032,570
Total	\$5,639,175
FTEs	11

Wildlife Services

- Reduces wildlife depredation and damage to property (conducted by USDA Wildlife Services in cooperation with NDDA, State Water Commission and ND Game and Fish Department).

Pipeline and Wind Energy Restoration and Reclamation Programs

- Connects landowners and tenants experiencing pipeline and wind energy reclamation issues with an ombudsman to help reach reasonable resolutions.
- Provides technical education, support and outreach on pipeline and wind energy related matters.
- Facilitating and promoting fairness on site when resolving reclamation and restoration issues, concerns and disputes.

Samantha Brunner, Director

Plant Industries Division

Plant Industries includes the noxious weeds, plant protection, hemp, and apiary programs.

Noxious Weeds

- Distributes state and federal funds for noxious weed control to weed boards.
- Manages federal funds for noxious and invasive weeds.
- Coordinates statewide biological weed control and obtains and distributes biological weed agents.
- Assists county and city weed boards in field days and weed management.
- Assists the general public with weed identification and control.
- Trains and assists weed boards with GPS/GIS mapping technology.
- Administers the Weed Seed Free Forage program.

Plant Protection

- Surveys for exotic pests such as moths, nematodes, emerald ash borer, and other wood borers that threaten North Dakota agriculture, forestry and horticulture.
- Surveys for pests, various diseases, insects and nematodes including: Japanese beetle, Karnal bunt, dwarf bunt, cereal leaf beetle, soybean cyst nematode, potato cyst nematodes to enable export of agricultural products.
- Licenses and inspects nursery dealers and growers.
- Provides export certification/ phytosanitary services for export of agricultural products.
- Reviews biotechnology permits.
- Conducts plant pest outreach.

Hemp Program

- Licenses and inspects all hemp growers and processors.
- Inspects and samples hemp fields to ensure compliance with state and federal law.

	Adjusted Base Level
Salaries	\$1,193,347
Operating	866,512
Grants	1,450,274
Total	\$3,510,133
General	\$782,484
Federal	670,999
Special	2,056,650
Total	\$3,510,133
FTEs	7.4

Apiary

- Licenses beekeepers.
- Registers and maps apiary locations.
- Inspects bees and issues health certificates for migratory movement.
- Investigates and responds to bee complaints.
- Visits apiaries and ensures compliance with the bee law.
- Administers the Honey Fund.
- Oversees the pollinator plan to enhance communication and emphasize best management practices for stakeholders.
- Conducts health inspections and assays with the National Agriculture Genotyping Center.
- Inspects bee shipments to California.

Dr. Andrea Grondahl, Director

Livestock Industries Division

Livestock Industries includes dairy/poultry, state meat and poultry inspection.

Dairy/Poultry

- Inspects dairy farms for equipment, facilities, sanitation, water purity and proper drug usage and storage.
- Inspects dairy processing plants and milk transfer stations for equipment, facilities, and sanitation.
- Samples dairy products.
- Monitors financial conditions of milk buyers.
- Conducts Grade A survey work.
- Inspects manufacturing grade plants and transfer stations under agreement with USDA.
- Inspects distribution facilities, milk bulk trucks and samplers/haulers.
- Inspects licensed commercial egg producers.
- Licenses and sets bonds for hatcheries.

	Adjusted Base Level
Salaries	\$2,668,988
Operating	1,370,214
Total	\$4,039,202
General	\$2,025,546
Federal	2,003,656
Special	10,000
Total	\$4,039,202
FTEs	17

State Meat & Poultry Inspection

- Trains, certifies and inspects meat processing facilities.
- Inspects custom-exempt processing plants.
- Inspects retail outlets for country-of-origin labeling.
- Enforces meat and poultry processing regulations.
- Grades livestock carcasses at official state and/or federal establishments.
- Provides consultation and education to the meat and poultry industry.
- Ensures proper label use by the industry.

Grain & Livestock Licensing Division

Grain and Livestock Licensing includes the grain inspection and feed programs.

Grain Inspection

- Oversees licensing and bonding of all grain warehouses, facility-based grain buyers, and roving grain buyers.
- Administers the Credit-Sale Contract Indemnity Fund.
- Monitors financial condition of all warehouses and grain buyers.

Livestock Licensing

- Licenses and establishes bonds for livestock dealers and auction markets.
- Monitors financial conditions of dealers and auction markets.
- Contracts market reporters at sales barns to collect market data for the USDA.

Livestock Pollution Prevention

- Cost-share funding assistance for livestock producers to install manure containment systems.
- Advises producers on nutrient management, project planning, regulations and manure containment.
- Conducts age and source verification.
- Reviews livestock zoning.

Feed

- Registers all pet food sold in the state.
- Maintains a label file of commercial feeds sold in the state.
- Licenses commercial feed manufacturers and retailers.
- Samples feed products to ensure that nutritional content matches the label claims.
- Inspects medicated feed plants.

	Adjusted Base Level
Salaries	\$1,364,133
Operating	296,493
Grants	1,050,000
Total	\$2,710,626
General	\$1,088,354
Federal	1,235,020
Special	387,252
Total	\$2,710,626
FTEs	8

- Verifies manufacturer and producer compliance with federal requirements to prevent bovine spongiform encephalopathy (BSE).
- Provides producer outreach for the Veterinarian Feed Directive.

Dr. Susan Keller, State Veterinarian

Animal Health Division

The Animal Health Division protects the health of domestic animals and non-traditional livestock, and administers all rules and orders of the State Board of Animal Health (BOAH).

- Monitors and regulates animal imports and exports.
- Traces animal movements as part of disease investigations.
- Issues and maintains records of official USDA tags and official state certificates of veterinary inspection.
- Conducts a Johne's disease control program.
- Conducts the National Scrapie Eradication program.
- Conduct investigations on suspected cases of transboundary/foreign animal diseases, tuberculosis, brucellosis, emerging diseases and other investigations.
- Responds to inhumane treatment complaints.
- Coordinates pet sheltering during disasters.
- Conducts tuberculosis, brucellosis and other disease investigations.
- Reviews testing information and grants status for tuberculosis-accredited herds, brucellosis certified herds and brucella ovis-free flocks.
- Administers non-traditional livestock and farmed elk regulations.
- Issues permits to possess, propagate or domesticate live protected birds or animal species for North Dakota Game and Fish Department.
- Provides chronic wasting disease testing training and oversight
- Oversees feral swine investigations.
- Conducts risk assessments prior to issuing permits for importation of farmed cervids.
- Works with ND Department of Health on zoonotic and anthroozoonotic disease issues.
- Provides oversight on proper carcass disposal.
- Inspects auction markets and approves veterinarians to provide auction market services.
- Monitors for novel swine enteric coronavirus diseases, such as porcine epidemic diarrhea virus.

	Adjusted Base Level
Salaries	\$1,609,349
BOAH	865,718
Total	\$2,475,067
General	\$1,513,499
Federal	685,064
Special	276,504
Total	\$2,475,067
FTEs	7.6

- Provides inspection services at the ND State Fair.
- Registers restricted feedlots.
- Licenses rendering facilities.
- Registers veterinary medicines used in the state.
- Licenses dealers of modified live vaccines sold in state.
- Conducts avian influenza testing through USDA Avian Health Co-op Agreement.
- Coordinates the National Poultry Improvement Plan in the state.
- Trains and coordinates a Reserve Veterinary Corps to assist in emergency situations and assist with disease investigations.
- Participates in animal emergency preparedness and response on state, regional and national levels.
- Communicates with other state and federal animal health officials regionally and nationally to guide national animal health policy.
- Monitors and reports diseases on state and national levels.
- Provides education and outreach for practicing veterinarians and the livestock industry.
- Maintains the state's animal health/disease related traceability database (USAHERDS).

Eric Delzer, Director

Pesticide & Fertilizer Division

The Pesticide and Fertilizer Division oversees and regulates pesticides, fertilizers and anhydrous ammonia to protect human health and the environment.

Pesticides

- Conducts inspections of pesticide dealers, users and repackaging facilities to ensure compliance with state and federal laws.
- Provides outreach to inform the public of state and federal pesticide requirements.
- Prepares and submits emergency and special local needs exemption requests to ensure ND producers have access to necessary pest management tools i.e. Section 18 and 24(c) requests.
- Registers all pesticides including herbicides, fungicides, rodenticides, insecticides, avicides and disinfectants that are sold in ND and approves product labeling.
- Conducts Project Safe Send; an annual, statewide collection of unusable pesticides.
- Works with EPA on national pesticide regulatory and policy issues.
- Conducts risk assessments, receives public input, and offers data and recommendations to EPA to mitigate risk of pesticides to threatened and endangered species as part of the ND Endangered Species Protection Plan.
- Investigates and responds to pesticide contamination of groundwater and surface water resources.
- Investigates complaints of pesticide misuse and other violations.
- Administers and enforces the federal Worker Protection Standard to protect workers who handle and use pesticides.

	Adjusted Base Level
Salaries	\$2,480,325
Operating	1,636,095
Crop Harmonization Board	75,000
Total	\$4,191,420
General	\$0
Federal	837,402
Special	3,354,018
Total	\$4,191,420
FTEs	15

Fertilizer and Anhydrous Ammonia

- Licenses fertilizer distributors.
- Registers fertilizer products and approves product labeling.
- Samples fertilizer products to ensure claims match labels.
- Licenses anhydrous ammonia storage facilities.
- Conducts inspections of anhydrous ammonia storage facilities and nurse tanks to ensure compliance with federal regulations.
- Administers the Risk Management Program for agricultural anhydrous ammonia facilities and inspects facilities to ensure compliance with federal regulations.
- Provides outreach and compliance assistance to the fertilizer industry and anhydrous ammonia users.
- Audits fertilizer distributors to ensure compliance with fertilizer tonnage reporting.
- Conducts the State Waterbank program.

John Schneider, Director

Business, Marketing & Information Division

The Business, Marketing, and Information Division monitors and develops policy and provides education, promotion, and market enhancement to increase sales of North Dakota agricultural commodities and value-added agricultural products in international, domestic, and local markets.

Pride of Dakota

- Administers the Pride of Dakota (POD) program, including Holiday Showcases, annual meeting and other events.
- Provides trade show assistance to ND companies.
- Maintains membership of over 500 POD Companies.

Specialty Crop Block & Organic Grants

- Administers specialty crop grants.
- Administers organic certification reimbursement grants.

Policy Development

- Researches and analyzes agriculture, energy, water, infrastructure, and trade policy for the agriculture commissioner.

Public Information

- Writes and edits department publications, including news releases, brochures, and reports.

North Dakota Mediation Service

- Offers mediation services to resolve differences among creditors, farmers and others.
- Provides financial counseling.
- Offers assistance for beginning farmer loan applications and farm program paperwork.
- Offers mediation to address energy-related issues.
- Offers conflict resolution services to resolve deer depredation disputes.
- Recent Farm Bill authorizes work on lease issues, family farm transitions, farmer/neighbor conflicts, organic certification issues, and other issues.

	Adjusted Base Level
Salaries	\$2,277,623
Operating	1,395,672
Grants	11,023,500
APUC	1,760,417
Total	\$16,457,212
General	\$1,980,498
Federal	6,484,967
Special	7,991,747
Total	\$16,457,212
FTEs	12

Agriculture in the Classroom

- Helps K-12 teachers integrate agriculture information into science, math, social studies, and language curricula.
- Provides hands-on lessons to help students better understand the relationships between the world's environment, agriculture, and people.
- Publishes the Ag Mag three times a year for third-, fourth- and fifth-graders.
- Underwrites FFA Foundation mini-grants for agriculture-related projects, units, and lessons used by school-age children.

Livestock Development

- Assists producers and processors in expanding and promoting the state's livestock industry.
- Identifies and assists livestock friendly counties in developing animal agriculture.

International Trade

- Conducts and participates in international trade events.
- Supports and coordinates with Food Export Midwest Association and North Dakota Trade Office.

Business, Marketing & Information Division

Environmental Impact Mitigation

- Administers the Environmental Impact Mitigation Fund.
- Provides grants and contracts for consultation with environmental scientists or engineers to implement mitigation for impacts of a proposed site, corridor, route, or facility.

Bioscience Innovation Grant Program

- Administers the Bioscience Innovation Grant Fund.
- The Bioscience Innovation Grant Program supports biotechnology innovation and commercialization in areas including crop genetics, biofuels, biomaterials, biosensors, and biotechnology in relation to food, nutrition, animals, human, equipment, medical, and health products and services, medical diagnostics, medical therapeutics, and farm-based pharmaceuticals.

Agricultural Products Utilization Commission

- Administers the Agricultural Products Utilization Fund.
- APUC creates new wealth and employment opportunities through the development of new and expanded uses of agricultural products.

2019-2021 Adjusted Base Budget Summary

2019-2021 Adjusted Base Budget Summary

General Funds	\$10,700,429	28%
Federal Funds	12,213,665	31%
Special Funds	16,108,741	41%
Total	\$39,022,835	
FTEs		78

2019-2021 Adjusted Base Budget By Line Item

Salary & Wages	\$14,232,746
Operating Expenses	6,592,780
Capital Assets	15,000
Grants	8,823,774
Environmental Impact Mitigation	5,000,000
Agricultural Products Utilization	
Commission	1,760,417
Board of Animal Health	865,718
Wildlife Services	1,457,400
Pipeline Restoration & Reclamation Oversight Program	200,000
Crop Harmonization Board	75,000
Total	\$39,022,835

Highlights & Accomplishments

Administrative Services

- Processed 116 Emergency Feed Transportation payments totaling \$250,000 (March 2020).
- Processed more than 500 contracts. Of that number, 172 grant contracts are related to the CARES Act.
- Pipeline Restoration and Reclamation Program
 - ◆ 82 total pipeline reclamation cases
 - ◆ 17 active
 - ◆ 17 monitoring
 - ◆ 44 closed
 - ◆ 4 Not assigned due to type of line or date of pipeline construction
- Streamlined user interface for LARS (Grain Inspection Licensing) including automatic reminders for users and online reporting for items that were required to be mailed previously. We added this system to existing NDDA payment Gateway with JPM, consolidating our electronic payment gateways to two.
- Added livestock licensing to LARS to allow for future online application, payments and processing to allow licensees to see the status, and make application easier, as well as speeding up the review process for staff to approve or request additional information.
- Transitioned staff to Teams in order to consolidate some functions that were completed under other software or processes and lays the groundwork for future changes in file storage.
- Transitioned VPN with NDIT to Global Protect to allow more dependable VPN connections, especially with video and voice to allow staff to serve the state from their offices, or other temporary locations.
- Assisted with implementation of USAHERDS including transition of a number of legacy data sources, and increased capability to process electronic health certificates for faster disease traceability.
- Assisted with transition of the server from legacy hardware for OLE (Plant Industries/Marketing) including a new build of the local foods map. This build will provide a number of consumer based features and allow producers to maintain their product info.
- Worked closely with DES, DEQ and DMR on Hazconnect to coordinate accurate and timely notification for items that impact areas in the agriculture industry and Department.
- Worked with NDIT to test AutoPilot deployment of laptops to office staff including both laptops and phones via Intune.

Plant Industries

- Maintained inspections in nursery and export certification including a record 400 acres of seed field inspections for export and 1,000 acres of nursery stock.
- Issued a record 4,646 federal phytosanitary certificates for export.
- State of Origin certificates for cereal grains to Canada has increased 329 percent over the last two years.
- Collected and removed from commerce over 200 packages of seeds sent unsolicited to citizens from China.
- Investigated and removed from commerce potentially *Ralstonia solanacearum* race 3 biovar 2 infested geraniums from greenhouses.
- Conducted 11 plant pest surveys with very little interruptions from COVID-19.
- California pre-inspections and certified 77,804 colonies—a record number.
- Submitted a State Hemp Plan and continued communication with USDA on the concerns with their hemp rules.

Highlights & Accomplishments (2)

- Released a new leafy spurge beetle that is more suitable for areas that the other biocontrol agents don't establish in (*Spurgia capitigena*).
- Continue to work with and release Canada thistle rust fungus to determine its viability in the state.
- Continue monitoring for Palmer Amaranth and offering assistance for landowners who received noxious weed seeds in animal feed.
- Apiary colony registrations are up to 691,665 colonies with 300 beekeepers.
- Inspected 325 apiaries for health certification and an additional 271 for compliance with state law.
- Hemp grower licenses increased by 25 percent and processor licenses increased from 9 in 2019 to 20 in 2020.

Livestock Industries

- Fielded many phone calls/emails from individuals wanting information on starting new slaughter/processing establishments.
- Assisted many individuals starting new slaughter/processing establishments. Expect to have three new official state slaughter establishment within the next two months (Berthold, Carrington and Devils Lake), another new official slaughter establishment by the end of 2021 (Bowman); and, one new official processing plant within the next two months (Fargo). Also have been assisting K 2 new establishments planning to be official federal slaughter establishments (Mott and New Salem).
- Transitioning to electronic reporting to Federal State Audit Branch.
- Purchase of Bismarck Dairy plant – Prairie Farms – has been operating very successfully.
- Several new egg dealers for a total of 27.

Grain & Livestock Licensing

- Transfer of Grain inspection program from PSC.
 - ♦ Inspected all licensed state warehouses in first year of transfer.
 - ♦ Inspected all roving grain buyers.
- LP3 two full containment systems with another two to be complete summer of 2021.
- Livestock licensing will be fully transferred to electronic licensing.
- Reviewed 4,029 commercial feed labels and 12,096 pet food labels.

Animal Health

- The AHD and the BOAH have managed to control, suppress and avoid all major foreign animal or trans-boundary diseases. Done by enforcing the regulations as part of our daily duties, sending many warning letters and making many phone calls to educate those involved in interstate movement of animals.
- Request to move various types of animals into ND included a Gila Monster this year (look it up – somehow very appropriate for 2020). Those diseases include, but are not limited to, SARS-CoV-2. A few respiratory cases in cats were followed up on, but all were found to be ill with other more common causes of respiratory illnesses in cats.

Highlights & Accomplishments (3)

- Numerous Health Certificates (around 7,890 out of state incoming HCs and around 12,300 ND outgoing HCs) were reviewed and those health certificates represent approximately 162,170 animals coming into ND and 1,271,530 animals leaving) based on a past year's hard copy accumulated information. Next year the numbers will be more accurate and current.
- The real highlight of 2020 was learning that due to a human pandemic we would have to learn how to work remotely. We were asked what we needed to work functionally if remote working had to become the norm during any crisis.
- Purchased USAHERDS - which was supported and approved of as part of the Commissioner's request of emergency needs which were covered under the CARES Act funds.
- Went live with USAHERDS on December 7 and held the last quarterly Board meeting on December 9, 2020.

Pesticide & Fertilizer

- Despite the circumstances of the pandemic, and having to work remotely for several months, this division still achieved all goals and had no lapse in services to the public. Many companies the Department works with (especially out state companies) were also shut down or working under restrictions so it was challenging to reach them, but staff members were reachable and responsive in processing requests.
- During the pandemic, the Department was still able to honor all federal commitments and still performed almost double the amount of inspections required in the federal cooperative agreement. While working remotely the Department was still able to successfully renew all fertilizer licenses and registrations that expired June 30th. The Department completed all required anhydrous ammonia inspections as well as assisted in getting several new facilities up and running. One major hurdle was addressing the pesticide certifications that were expiring on April 1, as well as certifying new commercial applicators during the shutdown. The Department was able to obtain a venue that we could socially distance people properly and were able to have staff present to proctor certification exams. We were also able to renew all the commercial certifications by the expiration date as well as certify all the new commercial applicators before springs work began. The Department also spent a lot of time visiting vulnerable population centers that like daycares, hospitals, nursing homes and schools where disinfectants and other general use pesticides are being used to provide outreach on safe use and storage, and potential health dangers to exposure. The Department also was able to renew our grant and have federal funding through FY 23. Despite spending all our budgeted funds for project safe send last year, the Department was still able to find enough funding to operate the program this year.

Highlights & Accomplishments (4)

Business, Marketing & Information

- Updated Specialty Crop Block Grant marketing materials including brochures and our website.
 - ♦ USDA selected ND SCBGP project as a feature project - Automatic sensor-controlled drip irrigation under mulches for tomato and watermelon productions.
- Issued \$3,500,000 of grants to 14 federal meat plants – CARES Act.
- Hosted two in-person farmers market events at a new State Capitol location.
- Issued guidance for ND Farmers Markets to continue commerce for consumers and producers during the pandemic.
- Awarded \$65,000 to four orchard grant projects and \$65,000 to five high tunnel grant projects.
- Held all APUC board meetings in-person..
- Received Attorney General opinions for township zoning boards that align with Department review of their zoning ordinances.
- Awarded \$500,000 to seven projects in Bioscience Innovation Grant funds.
- Awarded \$80,000 to three projects in Grape & Wine Grants.
- North Dakota Mediation Service assisted with successful outcomes in two high-profile cases referred by Senator Cramer’s Office.
- The Department is being recognized with an award for most increased participation in the Wellness Program.
- Implemented new POD Rules, effective July 1, 2020.
- Successfully held four in-person showcases, making many adjustments to follow COVID-19 guidance.
- Ag in the classroom was awarded a SCBG to provide educational resources on specialty crops to classrooms and made the transition to all digital Ag Mags to ensure that all students continue to have access to the resource regardless of classroom location.
- Drafted policy letters or comments on over 20 federal issues.
- Developed a chickpea video.
- Assisted with state Joint Information Center during beginning of COVID crisis.
- Assisted with ND Agriculture magazine planning.
- Developed the Agricultural Products Utilization Commission Annual Report.
- Member of Blue Book Committee and currently working on Blue Book chapter highlighting the apiary industry.
- Applied for a two-year grant/project with Agriculture in the Classroom for more specialty crop projects for students.
- Worked to organize the National Association of State Departments of Agriculture annual meeting in Medora and then worked to ensure a virtual event went off seamlessly.

Executive Budget Optional Requests

Priority 1 – Restore FTE and Funding: Administrative Assistance

This requests one FTE and funding for a front desk and Pride of Dakota program administrative assistant. The front desk position is NDDA's first public contact, answering all phone calls and directing general public questions and requests to the proper department resources. The position also provides valuable assistance to Pride of Dakota. The program membership is more than 525 companies and continues to grow. The position provides support with managing the program member database, nine major showcase events each year and general assistance to the membership.

Total request: \$163,079 (General Funds):

Executive Recommendation: FTE restored, no funding.

Priority 2 – Restore Funding: Apiary Research Grants

This requests funding for the apiary research grant program. North Dakota is the number one honey producing state in the nation and each summer is the home to over 670,000 honey bee colonies. Honey bee populations have been under a lot of pressure over the past 10 years. Research is crucial to mitigating losses and is vital to trying to develop solutions to the problems the industry faces such as Varroa mites, poor nutrition, viruses, and diseases.

Total request: \$75,000 (General Funds):

Executive Recommendation: Not included.

Priority 3 – Restore Funding: Grape and Wine Grants

This requests funding for the grape and wine grant program. The greatest difficulty facing new and existing wineries in North Dakota is a reliable supply of domestically-produced grapes suitable for quality wines. The grape and wine grants allow for continued research and evaluation of new cold-hardy selections for wine potential and commercial release in ND. The grants address research, production, management, and promotion issues that threaten the sustainability and growth of the grape and wine industry.

Total request: \$80,000 (General Funds):

Executive Recommendation: Not included.

Optional Requests Comparison to Executive Budget (2)

Priority 4 – Restore Funding: Johne’s Disease Control

This requests funding for the Johne’s disease control program. This program has been instrumental in identifying and reducing the incidence of Johne’s disease in the state. The funds encourage and enable cattle producers to test when a problem is suspected and where the cost might otherwise be prohibitive. This program is helping producers understand the disease and learn how to manage and test animals so that disease prevalence can be dramatically reduced.

Total request: \$68,000 (General Funds)

Executive Recommendation: Not included.

Priority 5 – Employee Compensation

NDDA’s salary compa ratio continues to fall below other agencies and creates a significant challenge to recruit and retain qualified and experienced employees. The Legislature continues to express confidence in NDDA by adding programs because we are efficient and effective operators. This request provides an employee equity raise on July 1, 2021.

Total request: \$702,500 (\$369,866 General Funds, \$174,150 Special Funds, & \$158,484 Federal Funds)

Executive Recommendation: Not included.

Priority 6 – Staff Attorney

This requests funding to reclassify a current policy FTE to a staff attorney FTE. This reclassified position will assist the commissioner on national, state, and local laws, rules, policy, and regulation impacting the agriculture industry and all other programs under the commissioner’s portfolio. This position will aid the commissioner in providing legal review and recommendations for all regulatory divisions including Animal Health, Pesticide and Fertilizer, Grain, Feed, and Livestock, Meat and Dairy Inspection, and Plant Industries. The attorney will also assist with reviewing livestock zoning ordinances and providing support for the Federal Environmental Law Impact Review Committee, as well as reviewing all contracts, agreements, and grants.

Total request: \$68,279 (General Funds)

Executive Recommendation: Not included.

Priority 7 – Grain Insolvency Legal Services

This requests funding for grain inspection insolvency legal services. This program must use outside legal resources to litigate insolvencies and bankruptcies. Funding is essential to protect bonded assets, accounts receivable, and asset recovery from failed grain dealers.

Total request: \$230,000 (General Funds)

Executive Recommendation: Not included.

Optional Requests Comparison to Executive Budget (3)

Priority 8 – Meat Inspector

This requests general funds (state match) for a meat inspector. The State Meat and Poultry Inspection Program is required to adhere to USDA standards including daily inspections at official establishments. Presently, SMPPI staff are fully scheduled and we are unable to provide state inspection service to additional official establishments and/or additional days/hours to existing establishments. The demand for state inspection service is currently high due to individuals wanting to start new meat processing businesses or existing processors wanting to expand into the wholesale market. The demand is particularly high now due to meat shortages experienced during the COVID-19 pandemic. Locations of processors currently requesting initial or addition state inspection service include Devils Lake, Carrington, Moffit, Berthold, and Bowman.

Total request: \$106,458 (General Funds)

Executive Recommendation: Not included.

Priority 9 – Grain Inspector FTE

This requests one FTE and funding for a grain inspector. The presence of the NDMA grain inspection program has been cited by our industry as the number one thing we can do to prevent problems with fraudulent activity and bad actors. This position would create a more robust inspection program, allowing for semi-annual inspections, both forensic and onsite. It would help to identify watchlists, new licensee detection, financial capacities of licensees; it would provide valuable support to assist and educate on compliance of regulatory matters in the field. The position would create logistical solutions to long travel times and overnight road expenses. Net effect of the position creates efficiencies to lower insolvencies, costs associated thereof and less potential loss to our farmers who rely on the NDMA to provide a fair business environment.

Total request: \$183,399 (General Funds)

Executive Recommendation: Not included.

Priority 10 – ND Mediation Service State Match

This requests funding for state match and nonallowable expenses. NDMS' primary purpose is to help financially distressed farmers and ranchers by aiding in credit and financial matters and resolving disputes. The goal of the NDMS credit counseling program is to provide clients with a clear picture of the state of their operation, provide them with possible options to address their situation, and prepare them for mediation when necessary.

Total request: \$120,000 (General Funds)

Executive Recommendation: Not included.

Optional Requests Comparison to Executive Budget (4)

Priority 11 – Combined Information Technology Request (Total: \$285,000 General Funds)

Funding for Centralized Invoice Processing Information Technology

This requests funding of \$80,000 for technology to improve the paper accounts payable and receivable processing system currently in place. This technology will provide a single tracking system for all invoices sent and received to aid in overcoming inefficiencies to more quickly and accurately receive, pay, and track invoices within the entire department. It also allows for invoice receivables to be paid using our current e-commerce

Executive Recommendation: Not included.

Funding for ND Mediation Service Information Technology

This requests funding of \$90,000 to replace an outdated Access database that was developed and maintained by Vision Technology, which has since closed. A modern, integrated database will help improve efficiency and time productivity for the client base. The new database will allow for new function features allowing for rapid analytic reporting and tracking of mediation service information. The new system will allow for integration within the agency.

Executive Recommendation: Included.

Funding for Meat Inspection and Dairy Information Technology

This requests funding of \$90,000 for new software that will replace the outdated Access databases. These databases were developed and maintained by Vision Technology, which has since closed. The new database will allow for new function features allowing for rapid analytic reporting and tracking for these programs.

Executive Recommendation: Included.

Funding for Pesticide Program Information Technology Exploration

This requests funding of \$25,000 for contractual services with North Dakota Information Technology to assess our current database systems. The database systems we currently utilize through an outside vendor are getting outdated and do not allow for ecommerce transactions through the Department ecommerce portal. This enhancement would help us determine whether it would be more cost effective to upgrade our current systems or if there are other options available that would better meet our needs and offer a better customer experience to the public.

Executive Recommendation: Not included.

Priority 12 – Reserve Corps Veterinarians Information Technology

This requests funding for three laptops under desktop support to be included in go-pack kits for Reserve Corps Veterinarians to rapidly deploy personnel and assets to investigate and respond to weather-related events such as flooding, foreign animal disease threats, and animal health investigations.

Total request: \$14,910 (General Funds)

Executive Recommendation: Not included.

HB 1009 Version Comparison

House Bill No. 1009 Agriculture Commissioner

	Base Level	Governor's	Appropriation
Salary and wages			
19-21 Salaries Master Budget Authority	\$ 14,232,746		\$ 14,232,746
Agency Submitted (includes 1 FTE Cut)	\$ -	\$ 13,827,852	\$ -
Governor's 21-23 Pay Plan Increase	\$ -	\$ 407,970	\$ -
HB 1009 Section 1 Salary and Wages	\$ 14,232,746	\$ 14,235,822	\$ 14,232,746
Operating Expenses			
19-21 Operating Master Budget Authority	\$ 7,055,851	\$ 7,055,851	\$ 7,055,851
Remove Litigation Pool	\$ (92,071)	\$ (92,071)	\$ (92,071)
Remove CARES Act IT	\$ (261,000)	\$ (261,000)	\$ (261,000)
Remove One-time Master Customer Database	\$ (110,000)	\$ (110,000)	\$ (110,000)
Governor's Add Trade Office Operating	\$ -	\$ 850,000	\$ -
Governor's Add IT Database Replacement	\$ -	\$ 180,000	\$ -
Governor's Add IT License	\$ -	\$ 8,813	\$ -
Governor's Add Facility Rent	\$ -	\$ 166,440	\$ -
Budget Guidelines Multiple Division Operating Cuts	\$ -	\$ (49,193)	\$ -
HB 1009 Operating Expenses Section 1	\$ 6,592,780	\$ 7,748,840	\$ 6,592,780
HB 1009 Capital Assets Section 1	\$ 15,000	\$ 15,000	\$ 15,000
Grants			
19-21 Grants Master Budget Authority	\$ 27,273,774	\$ 27,273,774	\$ 27,273,774
Remove Emergency Feed Transport	\$ (250,000)	\$ (250,000)	\$ (250,000)
Remove CARES Act Grants	\$ (13,200,000)	\$ (13,200,000)	\$ (13,200,000)
New Line Item Added Remove Environmental Impact	\$ (5,000,000)	\$ (5,000,000)	\$ (5,000,000)
Budget Guidelines Remove Apiary Research Grants	\$ -	\$ (75,000)	\$ -
Budget Guidelines Remove Grape & Wine Grants	\$ -	\$ (80,000)	\$ -
Budget Guidelines Remove Waterbank Grants	\$ -	\$ (300,000)	\$ -
Noxious Weeds Grants	\$ -	\$ 50,000	\$ -
Specialty Crop Block Grants	\$ -	\$ 158,000	\$ -
HB 1009 Grants Section 1	\$ 8,823,774	\$ 8,576,774	\$ 8,823,774
Environmental Impact Mitigation			
19-21 Master Authority (Not a line item)	\$ 5,000,000	\$ 5,000,000	\$ 5,000,000
Budge Guidelines Special Fund Reduction	\$ -	\$ (100,000)	\$ -
HB 1009 Environmental Impact Mitigation Section 1	\$ 5,000,000	\$ 4,900,000	\$ 5,000,000
Ag Products Utilization Commission			
19-21 Master Budget Authority	\$ 3,760,417	\$ 3,760,417	\$ 3,760,417
Remove One-time Funding	\$ (2,000,000)	\$ (2,000,000)	\$ (2,000,000)
HB 1009 Ag Products Utilization Commission Section 1	\$ 1,760,417	\$ 1,760,417	\$ 1,760,417
Board of Animal Health			
19-21 Master Budget Authority	\$ 962,118	\$ 962,118	\$ 962,118
Removes CARES Act IT	\$ (95,000)	\$ (95,000)	\$ (95,000)
Remove Animal Loss Indemnity	\$ (1,400)	\$ (1,400)	\$ (1,400)
Budget Guidelines Remove Johnes Funding	\$ -	\$ (68,000)	\$ -
Budget Guidelines General Line Item Cut	\$ -	\$ (10,000)	\$ -
HB 1009 Board of Animal Health Section 1	\$ 865,718	\$ 787,718	\$ 865,718
HB 1009 Wildlife Services Section 1	\$ 1,457,400	\$ 1,457,400	\$ 1,457,400
HB 1009 Pipeline Restoration and Reclamation Section 1	\$ 200,000	\$ 200,000	\$ 200,000
HB 1009 Crop Harmonization Board Section 1	\$ 75,000	\$ 75,000	\$ 75,000
HB 1009 Total All Funds Section 1	\$ 39,022,835	\$ 39,756,971	\$ 39,022,835
HB 1009 Less Estimated Income Section 1	\$ 28,322,406	\$ 28,689,324	\$ 28,322,406
HB 1009 Total General Fund Section 1	\$ 10,700,429	\$ 11,067,647	\$ 10,700,429
HB 1009 Full-time Equivalent Positions Section 1	78	78	78
Department submitted 1 FTE cut		77	
Governor's Recommendation Restore 1 FTE No Funding		78	

CARES Act Funding

Meat Processor Cost Share Program: \$6,200,000

This cost share program was implemented to address increased demand for retail meat products and slaughter of livestock. Meat processing plants have been significantly impacted by the pandemic due to increased consumer demand for retail meat products. This cost share program provides meat processing plants increased capability to meet the growing demand for meat. Funded 76 plants.

Charitable Food Organizations Grant Program: \$2,000,000

This program offers grants to help charitable food organizations and small grocers make necessary investments in tools to extend the shelf life of perishable foods. Charitable food organizations include any organization that provides food and/or services, including food pantries, soup kitchens, senior citizen centers, food distribution centers and hubs, churches, and donation centers. Small grocers include any grocer located in a community of 750 or less. Funded 83 organizations.

Bioscience Grant Program: \$5,000,000

This programs provides grants to support biotechnology innovation and commercialization, promote the creation of bioscience jobs in the state, and promote bioscience research and development in the area of coronavirus research. Grant recipients are companies expressing the ability to partner, assist, and develop techniques to benefit coronavirus research, virus screening technologies, antibody therapies, immunotherapies, and sanitation technologies. Funded 8 companies.

Information Technology Projects to Improve Efficiencies and Overcome Challenges from Covid-19 Impacts: \$356,000

Grain Inspection Program Database Enhancement: This enhancement allowed for the electronic collection of credit sale indemnity fund, monthly grain reporting, and allowed producers access to license information.

Livestock Auction Markets and Dealers Program Development: This funding replaced a paper based process with an electronic process for licensing and provided producers access to license information.

Local Foods Map: This funding created a producer updatable map that provides the public access to information regarding categories of locally produced food.

USAHERDS Computer Database: USAHERDS is a computerized database to gather and organize animal health data needed to prevent, detect, contain, and eradicate outbreaks of dangerous diseases in animals. The purchase of USAHERDS will allow monitoring and containment of animal diseases quickly and effectively, protecting our food supply, and local economies.

Total CARES Act federal fund authority: \$13,556,000

Total expended grant line: \$12,897,491 (as of December 2020)

Total expended operating: \$131,033

NOTE: Requesting \$150,000 of CARES Act federal fund authority (operating line) to complete IT work.

2019-2021 One-time Funding Reports: APUC & Master Customer Database

APUC

Financials as of December 31, 2020:

APUC Revenue:

APUC Fund balance: July 2019	\$1,504,691.71
Bank of ND	2,000,000.00
ND Mill & Elevator	570,930.59
APUC Fund Interest	7,692.62
Motor Fuel Tax	1,029.99
Total Revenue	\$4,094,991.91

Expenditures:

Operating Expenditures	\$29,012.67
Allocated Grant Expenditures	2,334,445.92
Remaining Fund Balance	\$1,731,530.32

In total APUC funded 44 projects at \$1,919,300.50 through December 2020.

Grant Types

Basic & Applied Research	10
Farm Diversification	4
Marketing & Utilization	22
Nature Based Agri Tourism	2
Prototype & Technology	4
Technical Assistance	2
Total	44

Master Customer Database

- On September 10, 2020, the Department submitted a work request to NDIT .
- On November 5, 2020, the Department met with NDIT software development staff to review two database options. The Department determined a custom application was the appropriate approach for the current IT environment. The NDIT estimate request was approved and issued by NDITA on December 3, 2020.
- The master customer database is currently estimated by NDIT to be completed in April 2021.

GENERAL FUND COLLECTIONS
602 DEPARTMENT OF AGRICULTURE

Source of Collections	Statutory Authority	2019-2021 Estimated Collections	2021-2023 Estimated Collections	2021-2023 Increase/Decrease	Division
1 ANHYDROUS AMMONIA LICENSE	NDCC Chapter 4.1-37-04	\$ 1,200	\$ 1,200	\$ -	Pest/Fert
2 AUCTION MARKET	NDCC Chapter 4.1-27-03	\$ 5,800	\$ 5,800	\$ -	Grain License
3 COMM. FEED REG. & TONNAGE	NDCC Chapter 4.1-41	\$ 1,116,500	\$ 1,120,000	\$ 3,500	Grain License
4 CREAMERY-CREAMERY STATE LIC.	NDCC Chapter 4.1-25-02	\$ 11,200	\$ 11,000	\$ (200)	Livestock
5 GRAIN STOREHOUSE LIC.	NDCC Chapter 60-02	\$ 440,500	\$ 440,500	\$ -	Grain License
6 LIVESTOCK DEALERS	NDCC Chapter 4.1-83-04	\$ 12,000	\$ 12,000	\$ -	Grain License
7 LIVESTOCK MEDICINES	NDCC Chapter 4.1-43-02	\$ 61,000	\$ 61,000	\$ -	Animal Health
8 MILK - CREAM TESTERS LIC.	NDCC Chapter 4.1-25-22	\$ 1,500	\$ 1,500	\$ -	Livestock
9 NON-TRADITIONAL LIVESTOCK LIC.	NDCC Chapter 36-01-08.1	\$ 2,700	\$ 2,700	\$ -	Animal Health
10 NURSERY LIC.	NDCC Chapter 4.1-22-06	\$ 22,000	\$ 22,000	\$ -	Plant
11 POULTRY FEES	NDCC Chapter 4.1-19-04	\$ 520	\$ 550	\$ 30	Livestock
12 RENDERING PLANTS	NDCC Chapter 4.1-32-03	\$ -	\$ -	\$ -	Animal Health
13 WOOL DEALERS	NDCC Chapter 4.1-88-04	\$ 20	\$ 20	\$ -	Animal Health
14 FINES-FORFEITURES-ESCHEAT	Multiple	\$ 14,000	\$ 14,000	\$ -	Multiple
15 INSPECTION FEES-NOT CLASS	NDCC Chapter 4.1-23-12	\$ 165,000	\$ 170,000	\$ 5,000	Multiple
TOTAL		\$ 1,853,940	\$ 1,862,270	\$ 8,330	

SPECIAL FUND COLLECTIONS
602 DEPARTMENT OF AGRICULTURE

	Source of Collections	Statutory Authority	Fund	2019-2021 Es- timated Col- lections	2021-2023 Es- timated Col- lections	2021-2023 Increase/ (Decrease)	Division
1	APIARY LICENSE	NDCC Chapter 4.1-16	308	\$ 200,000	\$ 200,000	\$ -	Plant
2	COMM. FEED REG. & TONNAGE	NDCC Chapter 4.1-41	376	\$ 727,500	\$ 727,500	\$ -	Grain License
3	FERTILIZER REG. & TONNAGE	NDCC Chapter 4.1-40	376	\$ 1,300,000	\$ 1,400,000	\$ 100,000	Pesticide
4	HEALTH CERT/BRUC TAGS	NDCC Chapter 36-01-08	308	\$ 15,000	\$ 15,000	\$ -	Animal Health
5	HEMP LICENSE	NDCC Chapter 4.1-18	308	\$ 25,000	\$ 25,000	\$ -	Plant
6	MEDIATION USER FEES	NDCC Chapter 6-09.10	308	\$ 10,000	\$ 10,000	\$ -	Marketing
7	PESTICIDE REGISTRATION	NDCC Chapter 4.1-34	376	\$ 4,900,000	\$ 5,000,000	\$ 100,000	Pesticide
8	PRIDE OF DAKOTA MEMBERSHIP	NDCC Chapter 4.1-01-08	308	\$ 55,000	\$ 55,000	\$ -	Marketing
9	PRIDE OF DAKOTA SUPPLIES	NDCC Chapter 4.1-01-08	308	\$ 6,000	\$ 6,000	\$ -	Marketing
10	WEED SEED FREE FORAGE FEES	NDCC Chapter 4.1-14-04	376	\$ 40,000	\$ 40,000	\$ -	Plant
11	CONFERENCE REGISTRATION FEES	NDCC Chapter 4.1-01-08	308	\$ 140,000	\$ 500,000	\$ 360,000	Marketing
TOTAL				\$ 7,418,500	\$ 7,978,500	\$ 560,000	

Audit Report of Biennium Ended June 30, 2019

CONCLUSION

The Department of Agriculture appeared to have overspent their appropriation from the general fund by \$25,529.

Department Response

NDDA does not agree with the audit finding. NDDA received funding from the Outdoor Heritage Fund in 2015 and worked with the Legislature to add language in our appropriation bill to be in compliance with NDCC 54-17.8-05(2) regarding the use of general funds as match. The intention in the grant application and our budget bill was to have the authority to match “up to” and not encumber \$50,000 of funds. We only requested authority to apply time for match that was directly spent working on this grant. Also, NDDA did not receive any additional general funds to cover this match.

Requested Action

The Department is requesting the following language to amend HB 1009:

SECTION 5. AMENDMENT. Section 7 of chapter 34 of the 2019 Session Laws is amended and reenacted as follows:

SECTION 7. WATERBANK PROGRAM - MATCHING FUNDS. The salaries and wages line item in section 1 of this Act includes up to \$50,000 from the general fund for matching funds for the North Dakota outdoor heritage fund grant provided for the waterbank program.

Request for Century Code Amendment

The Title 4.0 rewrites were completed during the Sixty-fifth Legislative Assembly of North Dakota (2017) and SB 2026 was part of the rewrites. SB 2026 passed after SB 2236 passed nullifying the amendments made by SB 2326 to Chapter 4-01. SB 2026 repealed Chapter 4-01 and enacted Chapter 4.1-01. Legislative Council informed the Department that due to the timing of the passage of SB 2026, the amendments passed by SB 2236 were not placed into law.

The Department is requesting the following amendment to add back the intent of SB 2236:

PROPOSED AMENDMENTS

4.1-01-17. Pipeline restoration and reclamation oversight ~~pilot~~ program - Generally.

1. The commissioner shall establish a ~~pilot~~ program providing technical assistance and support to surface owners and surface tenants on pipeline restoration and followup support to surface owners and surface tenants on pipeline reclamation.
2. The commissioner may contract for ombudsmen to be a resource for technical assistance and followup on pipeline issues. The ombudsmen may not investigate or assist with any pipeline installed before January 1, 2006, or regulated by the public service commission under title 49, and may not assist in easement negotiations.
3. The ~~pilot~~ program may provide technical education, support, and outreach on pipeline-related matters in coordination with other entities.
4. The commissioner may contract with local individuals, deemed trustworthy by the surface owners and surface tenants, to be ombudsmen. The commissioner is not subject to the provisions of chapter 54-44.4 when contracting for the services of ombudsmen.
5. The names of surface owners and surface tenants who receive assistance under the program are exempt records as defined under section 44-04-17.1.

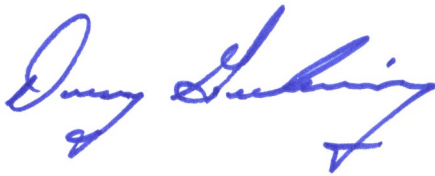
Other Related Bills

Other Related Bills with Fiscal Impacts to HB 1009

- HB 1026: State warehouse grain and other licenses.
- HB 1045: Industrial hemp fees.
- SB 2171: Commerce Department— transfer of North Dakota Trade Office duties.

Summary

The work of the North Dakota Department of Agriculture is vital to our state's most important industry. This budget presentation was designed to provide transparency and to assist the Legislative Assembly determine spending priorities for the 2021-2023 biennium.



Doug Goehring
Agriculture Commissioner

