

**Sixtieth Legislative Assembly of North Dakota  
In Regular Session Commencing Wednesday, January 3, 2007**

SENATE BILL NO. 2009  
(Appropriations Committee)  
(At the request of the Governor)

AN ACT to provide an appropriation for defraying the expenses of the agriculture commissioner; to amend and reenact sections 4-01-21 and 4-37-02 of the North Dakota Century Code, relating to the salary of the agriculture commissioner and to the agriculture in the classroom council; to provide for transfers; to provide for legislative intent; to provide for a legislative council study; to provide for a performance audit; to provide for a report to the budget section; and to declare an emergency.

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

**SECTION 1. BASE LEVEL FUNDING INFORMATION.** The amounts identified in this section represent the base level funding component appropriated to the agriculture commissioner in section 3 of this Act as follows:

Salaries and wages	\$5,783,517
Operating expenses	4,255,875
Capital assets	5,000
Grants	1,774,225
Board of animal health	2,036,027
Wildlife services contingency	130,000
Crop harmonization board	<u>25,000</u>
Total all funds - Base level	\$14,009,644
Less estimated income - Base level	<u>9,486,532</u>
Total general fund - Base level	\$4,523,112

**SECTION 2. FUNDING ADJUSTMENTS OR ENHANCEMENTS INFORMATION.** The amounts identified in this section represent the funding adjustments or enhancements to the base funding level for the agriculture commissioner which are included in the appropriation in section 3 of this Act as follows:

Salaries and wages	\$1,209,097
Operating expenses	458,508
Grants	75,000
Board of animal health	263,675
Wildlife services contingency	(130,000)
Wildlife services	<u>1,050,000</u>
Total all funds - Adjustments/enhancements	\$2,926,280
Less estimated income - Adjustments/enhancements	<u>1,746,439</u>
Total general fund - Adjustments/enhancements	\$1,179,841

**SECTION 3. APPROPRIATION.** The funds provided in this section, or so much of the funds as may be necessary, are appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, and from special funds derived from federal funds and other income, to the agriculture commissioner for the purpose of defraying the expenses of that agency, for the biennium beginning July 1, 2007, and ending June 30, 2009, as follows:

Salaries and wages	\$6,992,614
Operating expenses	4,714,383
Capital assets	5,000

Grants	1,849,225
Board of animal health	2,299,702
Wildlife services	1,050,000
Crop harmonization board	<u>25,000</u>
Total all funds	\$16,935,924
Less estimated income	<u>11,232,971</u>
Total general fund appropriation	\$5,702,953

**SECTION 4. ESTIMATED INCOME - ENVIRONMENT AND RANGELAND PROTECTION FUND.** The estimated income line item in section 3 of this Act includes the sum of \$3,142,109, or so much of the sum as may be available, from the environment and rangeland protection fund for the purpose of defraying the expenses of various agriculture department programs, for the biennium beginning July 1, 2007, and ending June 30, 2009.

**SECTION 5. ANHYDROUS AMMONIA STORAGE INSPECTION FUND.** The estimated income line item in section 3 of this Act includes the sum of \$65,912, or so much of the sum as may be available, from the anhydrous ammonia storage inspection fund for the purpose of defraying the expenses of regulating anhydrous ammonia storage facilities, for the biennium beginning July 1, 2007, and ending June 30, 2009.

**SECTION 6. ESTIMATED INCOME - GAME AND FISH FUND.** The estimated income line item in section 3 of this Act includes the sum of \$1,019,684, or so much of the sum as may be necessary, from the game and fish department operating fund for the purpose of defraying the expenses of various agriculture department programs for the biennium beginning July 1, 2007, and ending June 30, 2009.

**SECTION 7. INTENT - SALARY EQUITY.** The sum of \$259,000 included in the salaries and wages line item in section 3 of this Act is for salary equity increases, which must be based on market.

**SECTION 8. TRANSFER - APPROPRIATION.** The office of management and budget shall transfer \$150,000 from the general fund to the environment and rangeland protection fund during the period beginning July 1, 2007, and ending June 30, 2009.

**SECTION 9. TRANSFER - APPROPRIATION.** The North Dakota state university extension service shall provide \$50,000 from the pesticide enforcement fund to the agriculture commissioner for deposit in the environment and rangeland protection fund for the endangered species program during the period beginning July 1, 2007, and ending June 30, 2009.

**SECTION 10. INTENT - EMERGENCY COMMISSION REQUEST.** The agriculture commissioner may request from the emergency commission additional full-time equivalent positions for the state meat inspection program if demand for the program increases sufficient to require the positions during the period beginning July 1, 2007, and ending June 30, 2009.

**SECTION 11. TRANSFER.** The commissioner shall transfer \$200,000 from the environment and rangeland protection fund to the minor use pesticide fund.

**SECTION 12. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO SIXTY-FIRST LEGISLATIVE ASSEMBLY.** The general fund appropriation in Senate Bill No. 2338 includes \$90,836 for the one-time funding items identified in this section. This amount is not a part of the agency's base budget to be used in preparing the 2009-11 executive budget. The agriculture commissioner shall report to the appropriations committees of the sixty-first legislative assembly on the use of this one-time funding for the biennium beginning July 1, 2007, and ending June 30, 2009.

Animal tracking data base	\$90,836
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**SECTION 13. SPECIAL REVENUE - REPORT TO BUDGET SECTION.** All revenues from inspection and grading services provided by state meat inspectors and graders must be allocated to the

state meat inspection program. The agriculture commissioner shall report annually to the budget section regarding the revenues and expenditures for the state meat inspection program.

**SECTION 14. ENDANGERED SPECIES PROGRAM - REPORT TO BUDGET SECTION.** The agriculture commissioner shall report annually to the budget section regarding the status of the endangered species program.

**SECTION 15. LEGISLATIVE COUNCIL STUDY - TRANSFER OF PROGRAM.** The legislative council shall consider studying, during the 2007-08 interim, the transfer of predator control from the agriculture commissioner to the game and fish department. The study should include a review of the South Dakota predator control program. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-first legislative assembly.

**SECTION 16. PERFORMANCE AUDIT - WILDLIFE SERVICES.** The state auditor shall conduct a performance audit of the services provided pursuant to the cooperative agreement between the agriculture commissioner and the United States department of agriculture wildlife services during the biennium beginning July 1, 2007, and ending June 30, 2009. The performance audit must include a review of all funding sources, including grants from the agriculture commissioner, game and fish funds, and federal funds, for the wildlife damage management program in North Dakota for the 2003-05, 2005-07, and 2007-09 bienniums. The results of the performance audit must be presented to the legislative audit and fiscal review committee and filed with the appropriations committees during the sixty-first legislative assembly.

**SECTION 17. AMENDMENT.** Section 4-01-21 of the North Dakota Century Code is amended and reenacted as follows:

**4-01-21. Salary of agriculture commissioner.** The annual salary of the agriculture commissioner is ~~seventy-two~~ seventy-eight thousand ~~six~~ five hundred ~~sixty-nine~~ ninety-nine dollars through June 30, ~~2006~~ 2008, and ~~seventy-five~~ eighty-one thousand ~~five~~ seven hundred ~~seventy-six~~ forty-three dollars thereafter.

**SECTION 18. AMENDMENT.** Section 4-37-02 of the North Dakota Century Code is amended and reenacted as follows:

**4-37-02. Agriculture in the classroom council.** An agriculture in the classroom council is established. The council consists of sixteen members to be appointed by the agriculture commissioner. One member must be the agriculture commissioner or the commissioner's designee, and one member must be the superintendent of public instruction or the superintendent's designee. Agriculture in the classroom grant recipients are nonvoting members of the council.

**SECTION 19. EMERGENCY.** The sum of \$130,000 included in the wildlife services line item in section 3 of this Act is declared to be an emergency measure.

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Speaker of the House

\_\_\_\_\_  
Secretary of the Senate

\_\_\_\_\_  
Chief Clerk of the House

This certifies that the within bill originated in the Senate of the Sixtieth Legislative Assembly of North Dakota and is known on the records of that body as Senate Bill No. 2009 and that two-thirds of the members-elect of the Senate voted in favor of said law.

Vote:      Yeas          45                  Nays          0                  Absent        2

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Secretary of the Senate

This certifies that two-thirds of the members-elect of the House of Representatives voted in favor of said law.

Vote:      Yeas          93                  Nays          0                  Absent        1

\_\_\_\_\_  
Speaker of the House

\_\_\_\_\_  
Chief Clerk of the House

Received by the Governor at \_\_\_\_\_ M. on \_\_\_\_\_, 2007.

Approved at \_\_\_\_\_ M. on \_\_\_\_\_, 2007.

\_\_\_\_\_  
Governor

Filed in this office this \_\_\_\_\_ day of \_\_\_\_\_, 2007,  
at \_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Secretary of State