

**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:

	Base Level	Adjustments or Enhancements	Appropriation
15 <del>Salaries and wages</del>	<del>\$9,712,364</del>	<del>\$1,545,955</del>	<del>\$11,258,319</del>
16 <del>Operating expenses</del>	<del>6,451,453</del>	<del>(679,191)</del>	<del>5,772,262</del>
17 <del>Capital assets</del>	<del>17,000</del>	<del>(5,000)</del>	<del>12,000</del>
18 <del>Grants</del>	<del>3,170,828</del>	<del>880,000</del>	<del>4,050,828</del>
19 <del>State board of animal health</del>	<del>2,153,952</del>	<del>(18,149)</del>	<del>2,135,803</del>
20 <del>Wildlife services</del>	<del>1,417,400</del>	<del>0</del>	<del>1,417,400</del>
21 <del>Crop harmonization board</del>	<del>75,000</del>	<del>0</del>	<del>75,000</del>
22 <del>Total all funds</del>	<del>\$22,997,997</del>	<del>\$1,723,615</del>	<del>\$24,721,612</del>
23 <del>Less estimated income</del>	<del>14,801,251</del>	<del>408,295</del>	<del>15,209,546</del>
24 <del>Total general fund</del>	<del>\$8,196,746</del>	<del>\$1,315,320</del>	<del>\$9,512,066</del>

1	Salaries and wages	\$9,712,364	\$909,745	\$10,622,109
2	Operating expenses	6,451,453	(679,191)	5,772,262
3	Capital assets	17,000	(5,000)	12,000
4	Grants	3,170,828	800,000	3,970,828
5	State board of animal health	2,153,952	(44,124)	2,109,828
6	Wildlife services	1,417,400	0	1,417,400
7	Crop harmonization board	75,000	0	75,000
8	Accrued leave payments	0	237,295	237,295
9	Total all funds	\$22,997,997	\$1,218,725	\$24,216,722
10	Less estimated income	14,801,251	223,143	15,024,394
11	Total general fund	\$8,196,746	\$995,582	\$9,192,328
12	Full-time equivalent positions	77.00	0.00	77.00

**SECTION 2. TRANSFER - ENVIRONMENT AND RANGELAND PROTECTION FUND -**

**MINOR USE PESTICIDE FUND.** The agriculture commissioner shall transfer

~~\$200,000~~\$325,000 from the environment and rangeland protection fund to the minor use pesticide fund during the biennium beginning July 1, 2013, and ending June 30, 2015.

**SECTION 3. ESTIMATED INCOME - ENVIRONMENT AND RANGELAND PROTECTION**

**FUND.** The estimated income line item in section 1 of this Act includes the sum of \$5,997,408, or so much of the sum as may be necessary, from the environment and rangeland protection fund for the purpose of defraying the expenses of various department of agriculture programs, for the biennium beginning July 1, 2013, and ending June 30, 2015.

**SECTION 4. ESTIMATED INCOME - GAME AND FISH FUND.** The estimated income line

item in section 1 of this Act includes the sum of ~~\$968,796~~\$484,398, 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, 2013, and ending June 30, 2015.

**SECTION 5. ESTIMATED INCOME - STATE WATER COMMISSION - TRANSFER.** The

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

1       **SECTION 6. EXEMPTION - JOHNE'S DISEASE CONTROL.** The amount appropriated for  
2       Johne'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 7. AMENDMENT.** Section 4-01-21 of the North Dakota Century Code is amended  
6       and reenacted as follows:

7       **4-01-21. Salary of agriculture commissioner.**

8       The annual salary of the agriculture commissioner is ~~ninety-two~~ninety-nine~~ninety-eight~~  
9       thousand ~~eight~~four hundred ~~twenty-six~~thirty-five~~seventy-eight~~ dollars through June 30,  
10      ~~2012~~2014, and ~~ninety-five~~one hundred ~~three~~one thousand ~~six~~four hundred ~~ten~~twelve~~thirty-two~~  
11      dollars thereafter.

12      **SECTION 8.** A new section to chapter 19-13.1 of the North Dakota Century Code is created  
13      and enacted as follows:

14      **Deposit of fees.**

15      The commissioner shall forward all inspection fees, license fees, and registration fees  
16      received under this chapter to the state treasurer. The state treasurer shall deposit the first  
17      \$485,000 of fees received under this chapter each biennium in the environment and rangeland  
18      protection fund and any remaining fees in the general fund.

19      **SECTION 9. LEGISLATIVE MANAGEMENT STUDY - MILK MARKETING BOARD.** During  
20      the 2013-14 interim, the legislative management shall consider studying the structure of the milk  
21      marketing board; its statutory duties; the manner in which it prescribes and regulates producer,  
22      distributor, and retail prices throughout the state; and the manner in which it investigates and  
23      resolves concerns regarding the price and availability of milk throughout the state. If conducted,  
24      the study must review any policy or regulatory changes that the board has implemented in order  
25      to address pricing issues and availability of milk in the western portion of this state. The study  
26      must examine whether the continued regulation of the grade A dairy industry is best  
27      accomplished by the milk marketing board in its current form and operating under its current  
28      statutory directives, whether changes are needed to the board or its statutory directives, and  
29      whether there are other methods by which the desired results could be effectively and efficiently  
30      achieved. The legislative management shall report its findings and recommendations, together

- 1 with any legislation required to implement the recommendations, to the sixty-fourth legislative
- 2 assembly.