

Sixty-third
Legislative Assembly
of North Dakota

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:

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
14 Salaries and wages	\$9,712,364	\$909,745	\$10,622,109
16 Operating expenses	6,451,453	(679,191)	5,772,262
17 Capital assets	17,000	(5,000)	12,000
18 Grants	3,170,828	800,000	3,970,828
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	\$1,218,725	\$24,216,722
24 Less estimated income	<u>14,801,251</u>	<u>223,143</u>	<u>15,024,394</u>

1	Total general fund	\$8,196,746	\$995,582	\$9,192,328
2	Full-time equivalent positions	77.00	0.00	77.00

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

7 **SECTION 3. ESTIMATED INCOME - ENVIRONMENT AND RANGELAND PROTECTION**
8 **FUND.** The estimated income line item in section 1 of this Act includes the sum of \$5,997,408,
9 or so much of the sum as may be necessary, from the environment and rangeland protection
10 fund for the purpose of defraying the expenses of various department of agriculture programs,
11 for the biennium beginning July 1, 2013, and ending June 30, 2015.

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

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

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

25 **SECTION 7. AMENDMENT.** Section 4-01-21 of the North Dakota Century Code is amended
26 and reenacted as follows:

27 **4-01-21. Salary of agriculture commissioner.**

28 The annual salary of the agriculture commissioner is ~~ninety-two~~ninety-eight thousand
29 ~~eight~~four hundred ~~twenty-six~~seventy-eight dollars through June 30, ~~2012~~2014, and
30 ~~ninety-five~~one hundred ~~one~~thousand six hundred ~~ten~~thirty-two dollars thereafter.

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

3 **Deposit of fees.**

4 The commissioner shall forward all inspection fees, license fees, and registration fees
5 received under this chapter to the state treasurer. The state treasurer shall deposit the first
6 \$485,000 of fees received under this chapter each biennium in the environment and rangeland
7 protection fund and any remaining fees in the general fund.

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