

Introduced by

Appropriations Committee

1 A BILL for an Act to provide an appropriation for defraying the expenses of the agriculture
 2 commissioner; ~~and~~ to provide for transfers; to create and enact a new chapter to title 4.1 of the
 3 North Dakota Century Code, relating to the agricultural products utilization commission; to
 4 amend and reenact section 4.1-01-02 of the North Dakota Century Code, relating to the salary
 5 of the agriculture commissioner; to repeal chapter 54-60.3 of the North Dakota Century Code,
 6 relating to the agricultural products utilization commission; and to provide for a report to the
 7 legislative assembly.

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
 13 the agriculture commissioner, for the biennium beginning July 1, 2019, and ending June 30,
 14 2021, as follows:

	<u>Governor's</u>		
	<u>Base Level</u>	<u>Recommendation</u>	<u>Appropriation</u>
17 Salaries and wages	\$12,372,949	\$12,520,816	\$12,372,949
18 Operating expenses	6,444,336	6,146,809	6,444,336
19 Capital assets	13,000	15,000	13,000
20 Grants	8,817,774	8,413,774	8,817,774
21 Board of animal health	865,718	755,718	865,718
22 Wildlife services	1,408,000	1,417,400	1,408,000
23 Crop harmonization board	75,000	75,000	75,000
24 Pipeline restoration and reclamation	200,000	200,000	200,000

1	—oversight program			
2	Total all funds	\$30,196,777	\$29,544,517	\$30,196,777
3	Less estimated income	21,087,676	20,576,021	21,087,676
4	Total general fund	\$9,109,101	\$8,968,496	\$9,109,101
5	Full-time equivalent positions	73.00	71.00	73.00
6	<u>Adjustments or</u>			
7		<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>
8	<u>Salaries and wages</u>	<u>\$12,372,949</u>	<u>\$676,514</u>	<u>\$13,049,463</u>
9	<u>Operating expenses</u>	<u>6,444,336</u>	<u>133,444</u>	<u>6,577,780</u>
10	<u>Capital assets</u>	<u>13,000</u>	<u>2,000</u>	<u>15,000</u>
11	<u>Grants</u>	<u>8,817,774</u>	<u>6,000</u>	<u>8,823,774</u>
12	<u>Board of animal health</u>	<u>865,718</u>	<u>0</u>	<u>865,718</u>
13	<u>Wildlife services</u>	<u>1,408,000</u>	<u>49,400</u>	<u>1,457,400</u>
14	<u>Crop harmonization board</u>	<u>75,000</u>	<u>0</u>	<u>75,000</u>
15	<u>Pipeline restoration and reclamation</u>	<u>200,000</u>	<u>0</u>	<u>200,000</u>
16	<u>oversight program</u>			
17	<u>Agricultural products utilization commission</u>	<u>0</u>	<u>3,176,791</u>	<u>3,176,791</u>
18	<u>Total all funds</u>	<u>\$30,196,777</u>	<u>\$4,044,149</u>	<u>\$34,240,926</u>
19	<u>Less estimated income</u>	<u>21,087,676</u>	<u>3,415,513</u>	<u>24,503,189</u>
20	<u>Total general fund</u>	<u>\$9,109,101</u>	<u>628,636</u>	<u>\$9,737,737</u>
21	<u>Full-time equivalent positions</u>	<u>73.00</u>	<u>2.00</u>	<u>75.00</u>

SECTION 2. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO

SIXTY-SEVENTH LEGISLATIVE ASSEMBLY. The following amounts reflect the one-time funding items approved by the sixty-fifth legislative assembly for the 2017-19 biennium and the one-time funding items included in the appropriation in section 1 of this Act:

26	<u>One-Time Funding Description</u>	<u>2017-19</u>	<u>2019-21</u>
27	National genomics center	\$120,000	\$0
28	Federal environmental law impact review	1,000,000	0
29	Total all funds	\$1,120,000	\$0
30	Less estimated income	1,120,000	0
31	Total general fund	\$0	\$0

1	<u>Master customer database</u>	0	110,000
2	<u>Total all funds</u>	\$1,120,000	\$110,000
3	<u>Less estimated income</u>	1,120,000	0
4	<u>Total general fund</u>	\$0	\$110,000

5 The 2019-21 biennium one-time funding amounts are not a part of the entity's base budget
6 for the 2021-23 biennium. The agriculture commissioner shall report to the appropriations
7 committees of the sixty-seventh legislative assembly on the use of this one-time funding for the
8 biennium beginning July 1, 2019, and ending June 30, 2021.

9 **SECTION 3. TRANSFER - ENVIRONMENT AND RANGELAND PROTECTION FUND -**

10 **MINOR USE PESTICIDE FUND.** The agriculture commissioner shall transfer \$325,000 from
11 the environment and rangeland protection fund to the minor use pesticide fund during the
12 biennium beginning July 1, 2019, and ending June 30, 2021.

13 **SECTION 4. ESTIMATED INCOME - ENVIRONMENT AND RANGELAND PROTECTION**

14 **FUND.** The estimated income line item in section 1 of this Act includes the sum of
15 ~~\$6,446,503~~ \$6,663,678 from the environment and rangeland protection fund for the purpose of
16 defraying the expenses of various department of agriculture programs, for the biennium
17 beginning July 1, 2019, and ending June 30, 2021.

18 **SECTION 5. ESTIMATED INCOME - GAME AND FISH FUND.** The estimated income line
19 item in section 1 of this Act includes the sum of \$614,430 from the game and fish department
20 operating fund for the purpose of defraying the expenses of various department of
21 agriculture programs, for the biennium beginning July 1, 2019, and ending June 30, 2021.

22 **SECTION 6. ESTIMATED INCOME - STATE WATER COMMISSION - TRANSFER.** The
23 estimated income line item in section 1 of this Act includes the sum of \$125,000 which the state
24 water commission shall transfer to the agriculture commissioner for the wildlife services
25 program, for the biennium beginning July 1, 2019, and ending June 30, 2021.

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

29 **SECTION 8. ESTIMATED INCOME - PIPELINE RESTORATION AND RECLAMATION.**

30 The estimated income line item in section 1 of this Act includes the sum of \$200,000 from the
31 abandoned oil and gas well plugging and site reclamation fund for the purpose of defraying the

1 expenses of the pipeline restoration and reclamation program, for the biennium beginning
2 July 1, 2019, and ending June 30, 2021.

3 **SECTION 9. AMENDMENT.** Section 4.1-01-02 of the North Dakota Century Code is
4 amended and reenacted as follows:

5 **4.1-01-02. Salary of agriculture commissioner.**

6 The annual salary of the agriculture commissioner is one hundred ~~five~~seventeen thousand
7 ~~four hundred ninety-one~~eighty-seven dollars through June 30, ~~2016~~2020, and one hundred
8 ~~eight~~twenty thousand six hundred ~~fifty-six~~ dollars after that date.

9 **SECTION 10.** A new chapter to title 4.1 of the North Dakota Century Code is created and
10 enacted as follows:

11 **Agricultural products utilization commission - Composition - Appointment.**

12 1. The agricultural products utilization commission shall administer the agricultural
13 products utilization fund.

14 2. The commission consists of nine members:

15 a. Five members, appointed by the governor for terms of two years each, arranged
16 so that two terms expire in odd-numbered years and three terms expire in
17 even-numbered years, three of the members appointed by the governor must be
18 actively engaged in farming in this state and two members appointed by the
19 governor must be actively engaged in business in this state;

20 b. One member, appointed by the agriculture commissioner for a term of two years
21 which expires in odd-numbered years, the member must be actively engaged in
22 farming in this state; and

23 c. The commissioner of commerce, the president of North Dakota state university,
24 and the agriculture commissioner, or their designees.

25 3. Commission members may be reappointed.

26 4. Terms of appointed commissioners commence on the first day of July.

27 5. The commission shall elect one member to serve as the presiding officer.

28 **Agricultural products utilization commission - Authority.**

29 1. The North Dakota agricultural products utilization commission may apply for and
30 accept any appropriation, grant, gift, or service made available from public or private
31 sources.

1 2. The commission may administer grant programs including:

2 a. A basic and applied research grant program;

3 b. A utilization and marketing grant program;

4 c. A cooperative marketing grant program;

5 d. A nature-based tourism grant program;

6 e. A technical assistance grant program for value-added businesses;

7 f. A farm diversification grant program;

8 g. An agricultural prototype development grant program;

9 h. An agricultural technologies grant program; and

10 i. A North American marketing grant program.

11 3. As a condition of any grant administered by the commission, the commission may
12 require the recipient repay some or all of the grant if the recipient does not fulfill the
13 conditions of the grant. Repayment may be monetary or any other type or method
14 determined by the commission.

15 **Agricultural products utilization commission - Meetings - Personnel - Report.**

16 The agricultural products utilization commission shall meet as necessary and shall report to
17 each session of the legislative assembly. The commission may secure office space, employ
18 required personnel for the performance of commission duties, hire consultants, spend any funds
19 appropriated to the commission, and contract with public entities or private parties for services.

20 **Agricultural products utilization commission - Reimbursement - Compensation.**

21 Members of the agricultural products utilization commission are entitled to be reimbursed
22 for expenses incurred in the performance of official duties, in the same manner as other state
23 officials are reimbursed, according to sections 44-08-04 and 54-06-09. If not otherwise
24 employed by the state of North Dakota, members of the commission are entitled to receive per
25 diem compensation of one hundred thirty-five dollars for each day of attending meetings and
26 performing other duties relating to official business of the commission. The presiding officer, if
27 not otherwise employed by the state of North Dakota, may receive an additional one hundred
28 dollars for each day of a regular meeting attended as payment for reviewing and evaluating
29 grant proposals.

1 **Agricultural products utilization commission - Administrative expenses.**

2 Administrative expenses of the agricultural products utilization commission, including
3 expenses of members of the commission, employment of required personnel, hiring of
4 consultants, and contracting with public or private entities for services may not exceed ten
5 percent of the funds appropriated to the commission by the legislative assembly each biennium,
6 excluding federal funds.

7 **Agricultural products utilization fund - Purposes.**

8 The agricultural products utilization fund in the state treasury must be used to fund
9 programs for agricultural research, development, processing, technology, and marketing. The
10 fund must be used to defray the expenses of the North Dakota agricultural products utilization
11 commission. Interest earned on moneys in the fund must be credited to the fund.

12 **SECTION 11. REPEAL.** Chapter 54-60.3 of the North Dakota Century Code is repealed.