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Title.
Fiscal No. 2

Prepared by the Legislative Council
staff for Representative Hagert

March 27, 2025

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO FIRST ENGROSSMENT

ENGROSSED HOUSE BILL NO. 1009

Introduced by

Appropriations Committee

1 A BILL for an Act to provide an appropriation for defraying the expenses of the agriculture
2 commissioner; to amend and reenact section 4.1-01-02 of the North Dakota Century Code,
3 relating to the salary of the agriculture commissioner; to provide for a transfer; to provide a
4 report; and to provide an exemption.

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

6 **SECTION 1. APPROPRIATION.** The funds provided in this section, or so much of the funds
7 as may be necessary, are appropriated out of any moneys in the general fund in the state
8 treasury, not otherwise appropriated, and from other funds derived from special funds and
9 federal funds, to the agriculture commissioner for the purpose of defraying the expenses of the
10 agriculture commissioner, for the biennium beginning July 1, 2025, and ending June 30, 2027,
11 as follows:

		Adjustments or	
	<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>
14 Salaries and wages	\$17,042,562	\$933,974	\$17,976,536
15 New and vacant FTE pool	0	587,646	587,646
16 Operating expenses	7,426,173	796,687	8,222,860
17 Capital assets	7,000	4,100	11,100
18 Grants	10,953,969	5,261,300	16,215,269
19 <u>Grants</u>	<u>10,953,969</u>	<u>5,761,300</u>	<u>16,715,269</u>
20 Agricultural products utilization	2,110,417	3,000,000	5,110,417

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1	commission			
2	North Dakota trade office	1,600,000	400,000	2,000,000
3	Board of animal health	865,718	(8,357)	857,361
4	Wildlife services	1,657,400	0	1,657,400
5	Pipeline restoration and reclamation	200,000	(200,000)	0
6	oversight program			
7	Pipeline and royalty oversight programs	0	500,000	500,000
8	Crop harmonization board	<u>75,000</u>	<u>0</u>	<u>75,000</u>
9	Total all funds	\$41,938,239	\$11,275,350	\$53,213,589
10	<u>Total all funds</u>	<u>\$41,938,239</u>	<u>\$11,775,350</u>	<u>\$53,713,589</u>
11	Less other funds	<u>27,117,306</u>	<u>9,400,921</u>	<u>36,518,227</u>
12	Total general fund	\$14,820,933	\$1,874,429	\$16,695,362
13	<u>Total general fund</u>	<u>\$14,820,933</u>	<u>\$2,374,429</u>	<u>\$17,195,362</u>
14	Full-time equivalent positions	80.00	0.00	80.00

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

SEVENTIETH LEGISLATIVE ASSEMBLY. The following amounts reflect the one-time funding items included in the appropriation in section 1 of this Act which are not included in the entity's base budget for the 2027-29 biennium and which the entity shall report to the appropriations committees of the seventieth legislative assembly regarding the use of this funding:

	<u>General Fund</u>	<u>Other Funds</u>	<u>Total</u>
21	Agricultural products utilization commission	\$0	\$3,000,000
22	Grasslands grazing grants	0	3,000,000
23	<u>Autonomous technology grants</u>	<u>500,000</u>	<u>0</u>
24	North Dakota trade office	<u>400,000</u>	<u>0</u>
25	Total	\$400,000	\$6,000,000
26	<u>Total</u>	<u>\$900,000</u>	<u>\$6,900,000</u>

SECTION 3. NEW AND VACANT FTE POOL - LIMITATION - TRANSFER REQUEST. The

agriculture commissioner may not spend funds appropriated in the new and vacant FTE pool line item in section 1 of this Act, but may request the office of management and budget to transfer funds from the new and vacant FTE pool line item to the salaries and wages line item in

1 accordance with the guidelines and reporting provisions included in House Bill No. 1015, as
2 approved by the sixty-ninth legislative assembly.

3 **SECTION 4. OTHER FUNDS - TRANSFER - DEPARTMENT OF WATER RESOURCES.**

4 The other funds line item in section 1 of this Act includes the sum of \$125,000 which the
5 department of water resources shall transfer to the agriculture commissioner for the purpose of
6 defraying the expenses of the wildlife services program.

7 **SECTION 5. TRANSFER - ENVIRONMENT AND RANGELAND PROTECTION FUND -**

8 **MINOR USE PESTICIDE FUND.** The agriculture commissioner shall transfer \$325,000 from the
9 environment and rangeland protection fund to the minor use pesticide fund during the biennium
10 beginning July 1, 2025, and ending June 30, 2027.

11 **SECTION 6. OTHER FUNDS - TRANSFER - BANK OF NORTH DAKOTA PROFITS -**

12 **AGRICULTURAL PRODUCTS UTILIZATION COMMISSION.** The other funds line item in
13 section 1 of this Act includes the sum of \$3,000,000 which the Bank of North Dakota shall
14 transfer from the Bank's current earnings and undivided profits to the agriculture commissioner
15 for deposit in the agricultural products utilization fund for the purpose of defraying the expenses
16 of the agricultural products utilization commission, for the biennium beginning July 1, 2025, and
17 ending June 30, 2027.

18 **SECTION 7. OTHER FUNDS - ENVIRONMENT AND RANGELAND PROTECTION FUND.**

19 The other funds line item in section 1 of this Act includes the sum of \$7,803,814 from the
20 environment and rangeland protection fund for the purpose of defraying the expenses of various
21 agriculture commissioner programs.

22 **SECTION 8. OTHER FUNDS - GAME AND FISH FUND.** The other funds line item in

23 section 1 of this Act includes the sum of \$671,918 from the game and fish department operating
24 fund for the purpose of defraying the expenses of various agriculture commissioner programs.

25 **SECTION 9. OTHER FUNDS - ABANDONED OIL AND GAS WELL PLUGGING AND**

26 **SITE RECLAMATION FUND.** The other funds line item in section 1 of this Act includes the sum
27 of \$500,000 from the abandoned oil and gas well plugging and site reclamation fund, of which
28 \$200,000 is for the purpose of defraying the expenses of the pipeline restoration and
29 reclamation program and \$300,000 is for the purpose of defraying the expenses of the
30 post-production royalty oversight program.

SECTION 10. OTHER FUNDS - STRATEGIC INVESTMENT AND IMPROVEMENTS

FUND - GRASSLANDS GRAZING GRANT PROGRAM - ONE-TIME FUNDING - MATCHING

FUNDS. The other funds line item in section 1 of this Act includes the sum of \$3,000,000 from the strategic investment and improvements fund for the purpose of providing grassland grazing grants to an organization representing cooperative grazing associations in the state. To be eligible for a grant under this program, an organization must provide one dollar of matching funds from nonstate sources for every four dollars of grant funding. An organization that receives a grant under this program may distribute the funding to cooperative grazing associations for eligible infrastructure projects, which must be located on national grasslands within the state. Eligible infrastructure projects include water development; fencing; conservation initiatives; compliance with federal permitting requirements, including fees for professional services; and other projects to enhance wildlife habitat, capture carbon, or increase the health of grasslands. Program participants shall develop and implement a grazing land plan in compliance with local soil conservation district guidance and the plan must be approved by the local soil conservation district. The agriculture commissioner shall establish additional guidelines for the program.

SECTION 11. AUTONOMOUS TECHNOLOGY GRANTS - REPORT TO LEGISLATIVE MANAGEMENT.

1. The grants line item and the general fund appropriation in section 1 of this Act include \$500,000 of funding for the purpose of providing autonomous technology grants to individuals or entities in the agriculture industry.
2. For purposes of this section, autonomous technology includes uncrewed aircraft systems; autonomous vehicles; or other autonomous systems, processes, or technologies.
3. The agriculture commissioner shall develop an application process and guidelines for the grants, including eligibility criteria, matching requirements, eligible uses of grant funding, and maximum grant awards. To be eligible for a grant, an individual or entity shall certify to the agriculture commissioner that the operation of the autonomous technology is related to the inspection, operation, maintenance, or construction of agriculture property or infrastructure. The agriculture commissioner may require an individual or entity to provide one dollar of matching funds for every four dollars

- 1 awarded by the state. An individual or entity may use grant funding for autonomous
2 technology operations, contracting for services related to autonomous technology, or
3 other eligible uses as determined by the agriculture commissioner.
- 4 4. During the 2025-26 interim, the agriculture commissioner shall provide at least one
5 report to the legislative management regarding the grants, including a list of grant
6 recipients, the amounts awarded, and a description of the use of the grant funding.

7 **SECTION 12. TRADE OFFICE - MATCHING FUND REQUIREMENT.** The North Dakota
8 trade office line item and the general fund appropriation in section 1 of this Act include
9 \$2,000,000 of funding related to the North Dakota trade office. The agriculture commissioner
10 may spend sixty percent of this amount without requiring any matching funds from the trade
11 office. Any additional amounts may be spent only to the extent the North Dakota trade office
12 provides one dollar of matching funds from private or other public sources for each one dollar
13 provided by the agriculture commissioner. Matching funds may include money spent by
14 businesses or organizations to pay salaries to export assistants, provide training to export
15 assistants, or purchase computer equipment as part of the North Dakota trade office's export
16 assistant program.

17 **SECTION 13. WATERBANK PROGRAM - MATCHING FUNDS.** The salaries and wages
18 line item in section 1 of this Act includes up to \$50,000 from the general fund for matching funds
19 for the North Dakota outdoor heritage fund grant provided for the waterbank program.

20 **SECTION 14. AMENDMENT.** Section 4.1-01-02 of the North Dakota Century Code is
21 amended and reenacted as follows:

22 **4.1-01-02. Salary of agriculture commissioner.**

23 The annual salary of the agriculture commissioner is ~~one hundred thirty-one thousand four~~
24 ~~hundred twenty-three dollars through June 30, 2024, and one hundred thirty-six thousand~~
25 ~~six hundred eighty-one hundred forty thousand seven hundred eighty dollars through June 30,~~
26 2026, and one hundred forty-five thousand three dollars after that date.

27 **SECTION 15. EXEMPTION - UNEXPENDED APPROPRIATIONS.** The following
28 appropriations are not subject to the provisions of section 54-44.1-11 and may be continued into
29 the biennium beginning July 1, 2025, and ending June 30, 2027:

- 30 1. The sum of \$300,000 appropriated from federal funds derived from COVID-19 funds
31 for the specialty crop block grant program during the 2019-21 biennium in section 1 of

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- 1 chapter 27 of the 2021 Session Laws, and continued into the 2021-23 biennium in
- 2 section 2 of chapter 27 of the 2021 Session Laws and the 2023-25 biennium in
- 3 section 20 of chapter 41 of the 2023 Session Laws; and
- 4 2. The sum of \$660,000 appropriated from the environment and rangeland protection
- 5 fund for the regional livestock development and planning program in section 2 of
- 6 chapter 76 of the 2023 Session Laws.