

**Agriculture Commissioner  
Budget No. 602  
Senate Bill Nos. 2009, 2179, 2338, House Bill No. 1014**

|   | <b>FTE Positions</b> | <b>General Fund</b>          | <b>Other Funds</b> | <b>Total</b>             |
|---|----------------------|------------------------------|--------------------|--------------------------|
| 2007-09 executive budget (bills as introduced)            | 67.00                | \$5,430,717                  | \$10,878,945       | \$16,309,662             |
| <b>2007-09 legislative appropriations</b>                 | <b>67.50</b>         | <b>5,939,660<sup>1</sup></b> | <b>11,388,326</b>  | <b>17,327,986</b>        |
| Legislative increase (decrease) to executive budget       | 0.50                 | \$508,943                    | \$509,381          | \$1,018,324              |
| Legislative increase (decrease) to 2005-07 appropriations | 6.50                 | \$1,358,418 <sup>2</sup>     | \$1,901,794        | \$3,260,212 <sup>2</sup> |

<sup>1</sup>This amount includes \$90,836 of one-time funding and a transfer of \$150,000 from the general fund to the environment and rangeland protection fund. Excluding these amounts, the agency's ongoing general fund appropriation is \$5,698,824.

<sup>2</sup>The 2005-07 appropriation reflects \$58,130 of general fund deficiency appropriations approved by the 2007 Legislative Assembly in Senate Bill No. 2023.

**SUMMARY OF LEGISLATIVE CHANGES TO THE EXECUTIVE BUDGET AND MAJOR FUNDING ITEMS**

**Salaries and Wages**

The legislative action affecting the recommended appropriation for the Agriculture Commissioner is in accordance with legislative salary and fringe benefits guidelines as contained in Senate Bill No. 2189. In addition, the Legislative Assembly provided \$259,000 for salary equity adjustments for the Department of Agriculture employees.

|   | <b>Major Items</b>   |                     |                    |
|---|----------------------|---------------------|--------------------|
|   | <b>FTE Positions</b> | <b>General Fund</b> | <b>Other Funds</b> |
|   |                      |                     | <b>Total</b>       |
| The legislative action:   |                      |                     |                    |
| Reduced funding recommended in the executive budget relating to retiree health credit contributions     |                      | (\$4,129)           | (\$3,645)          |
| Added funding for Pride of Dakota to provide a total of \$250,000                                       |                      | 100,000             | 100,000            |
| Added funding from the environment and rangeland protection fund for the Farmer's Market                |                      |                     | 29,500             |
| Added funding for salary adjustments based on market  |                      | 151,000             | 108,000            |
| Provided funding for a grant to the North Dakota Dairy Coalition  |                      | 75,000              | 75,000             |
| Removed funding for 1 FTE position and related operating expenses from the meat inspection program      | (1.00)               | (68,764)            | (63,474)           |
| Provided a transfer of \$150,000 from the general fund to the environment and rangeland protection fund |                      | 150,000             | 150,000            |
| Provided funding for 1.5 FTE positions and operating expenses for an endangered species program         | 1.50                 | 50,000              | 200,000            |

|   |             |                  |                  |                    |
|---|-------------|------------------|------------------|--------------------|
| Reduced funding support from the environment and rangeland protection fund for Project Safe Send (\$25,000) and crop harmonization (\$25,000)                         |             | (50,000)         |                  | (50,000)           |
| Provided funding for Wildlife Services  | 120,000     |                  |                  | 120,000            |
| Changed the funding source for Wildlife Services from \$130,000 from the general fund to \$130,000 from the game and fish fund  | (130,000)   | 130,000          |                  | 0                  |
| Reduced funding for operating expenses for motor pool costs   | (25,000)    |                  |                  | (25,000)           |
| Provided \$79,500 from the environment and rangeland protection fund and \$79,500 from the oilseed fund in Senate Bill No. 2179 to mitigate crop damage by blackbirds |             | 159,000          |                  | 159,000            |
| Provided one-time funding of \$90,836 from the general fund in Senate Bill No. 2338 for an animal tracking data base  | 90,836      |                  |                  | 90,836             |
| <b>Total</b>  | <u>0.50</u> | <u>\$508,943</u> | <u>\$509,381</u> | <u>\$1,018,324</u> |

**FTE Changes**

The 2007-09 biennium appropriation includes funding for 67.50 FTE positions, an increase of a .5 FTE position from the executive recommendation and an increase of 6.5 FTE positions from the 2005-07 biennium authorized level of 61 FTE positions. The Legislative Assembly did not change the executive recommendation to add 1 FTE veterinarian position, removed one of 5 FTE positions included in the executive recommendation for the meat inspection program, and added 1.5 FTE positions for the endangered species program.

**One-Time Funding**

In Section 12 of Senate Bill No. 2009, the Legislative Assembly identified the general fund appropriation for one-time funding of \$90,836 for an animal tracking data base as provided for in Senate Bill No. 2338. This amount is not to be considered part of the agency's base budget for preparing the 2009-11 executive budget and the Agriculture Commissioner is to report to the Appropriations Committees during the 2009 legislative session on the use of this funding.

**Wildlife Services**

The 2007-09 biennium appropriation includes \$1,050,000 for Wildlife Services, an increase of \$120,000 from the executive recommendation and the 2005-07 biennium appropriation of \$930,000. The 2007-09 appropriation includes \$240,000 from the general fund and \$810,000 from the game and fish fund. The Legislative Assembly provided that \$130,000 is available beginning with the effective date of the bill.

Section 16 of Senate Bill No. 2009 provides for a performance audit to be conducted by the State Auditor's office of the services provided pursuant to the cooperative agreement between the Agriculture Commissioner and the United States Department of Agriculture Wildlife Services during the 2007-09 biennium. 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 audit are to be presented to the Legislative Audit and Fiscal Review Committee and filed with the Appropriations Committees during the 61st Legislative Assembly.

### **Other Sections in Senate Bill No. 2009**

**Environment and rangeland protection fund** - Section 4 authorizes \$3,142,109 from the environment and rangeland protection fund for the purpose of defraying the expenses of the various Department of Agriculture programs. Section 8 provides for a transfer of \$150,000 from the general fund to the environment and rangeland protection fund and Section 9 provides for a transfer of \$50,000 from the North Dakota State University Extension Service pesticide enforcement fund to the environment and rangeland protection fund during the 2007-09 biennium.

**Anhydrous ammonia storage inspection fund** - Section 5 authorizes \$65,912 from the anhydrous ammonia storage inspection fund for the purpose of defraying the expenses of regulating anhydrous ammonia storage facilities.

**Game and fish fund** - Section 6 authorizes \$1,019,684 from the game and fish fund to the Department of Agriculture for Wildlife Services (\$810,000) and the Board of Animal Health (\$209,684). The Legislative Assembly also provided in Section 19 an emergency measure for \$130,000 of the \$810,000 for Wildlife Services.

**Salary equity** - Section 7 provides that \$259,000 included in the salaries and wages line item in Section 3 of the bill is for salary increases, which must be based on market.

**Emergency Commission request** - Section 10 provides that the Agriculture Commissioner may request from the Emergency Commission additional FTE positions for the state meat inspection program if demand for the program increases sufficient to require the positions during the 2007-09 biennium.

**Minor use pesticide fund** - Section 11 provides for \$200,000 to be transferred from the environment and rangeland protection fund to the minor use pesticide fund during the 2007-09 biennium.

**Special revenue** - Section 13 provides that 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 is to report annually to the Budget Section regarding the revenues and expenditures for the state meat inspection program.

**Endangered species program** - Section 14 requires that the Agriculture Commissioner report annually to the Budget Section regarding the status of the endangered species program.

**Legislative Council study** - Section 15 provides for a Legislative Council study on the transfer of predator control from the Agriculture Commissioner to the Game and Fish Department and includes a review of the South Dakota predator control program.

**Salary of Agriculture Commissioner** - Section 17 provides statutory changes to North Dakota Century Code (NDCC) Section 4-01-21 relating to the salary of the Agriculture Commissioner. The Legislative Assembly authorized 2007-09 biennium salary increases of 4 percent effective July 1, 2007, and 4 percent effective July 1, 2008, for elected officials. The Agriculture Commissioner's salary is to be increased from the current level of \$75,576 to \$78,599 effective July 1, 2007, and \$81,743 effective July 1, 2008.

**Agriculture in the Classroom Council** - Section 18 makes a statutory change relating to the membership of the Agriculture in the Classroom Council.

### **Related Legislation**

House Bill No. 1085 makes permanent law of the agricultural pesticide and pesticide container disposal program (Project Safe Send) and requires the Agriculture Commissioner to report biennially to a joint meeting of the House and Senate Agriculture Committees on the status of the pesticide container disposal program.

House Bill No. 1341 makes statutory changes relating to persons eligible for agricultural mediation services.

Senate Bill No. 2099 amends subsection 3 of NDCC Section 4-41-02 to provide that fees collected relating to the application for growing or processing industrial hemp are appropriated to the Department of Agriculture, rather than the Attorney General, to be used to enforce NDCC Chapter 4-41.

Senate Bill No. 2107 amends NDCC Section 4-33-12 to provide for deposit in the department's operating fund a portion of the fees collected relating to domestic and export inspection and certification equal to the amount that the United States Department of Agriculture assesses the department for federal plant export certificates issued by the commissioner.

Senate Bill No. 2114 amends NDCC Section 36-01-08 to provide that fees collected for brucellosis tags, identification tags, and health books are to be deposited in the Department of Agriculture's operating fund and appropriated on a continuing basis to the State Board of Animal Health to enforce Chapter 36-01.

Senate Bill No. 2323 makes permanent the biennial pesticide registration fee of \$350, of which \$50 is deposited in the general fund and \$300 is deposited in the environment and rangeland protection fund.