

**Agriculture Commissioner
Budget No. 602
Senate Bill Nos. 2009 and 2128**

	FTE Positions	General Fund	Other Funds	Total
2011-13 executive budget (bills as introduced)	74.50	\$8,384,734	\$13,645,923	\$22,030,657
2011-13 legislative appropriations	77.00	8,196,746	14,801,251	22,997,997
Legislative increase (decrease) to executive budget	2.50	(\$187,988)	\$1,155,328	\$967,340
Legislative increase (decrease) to 2009-11 appropriations	2.50	\$649,363	\$419,785 ¹	\$1,069,148

¹This amount reflects a \$200,000 other funds deficiency appropriation provided to the Agriculture Commissioner for the Wildlife Services program for the 2009-11 biennium.

ONGOING AND ONE-TIME GENERAL FUND APPROPRIATIONS

	Ongoing General Fund Appropriation	One-Time General Fund Appropriation	Total General Fund Appropriation
2009-11 legislative appropriations	\$7,547,383	\$0	\$7,547,383
2011-13 legislative appropriations	8,196,746	0	8,196,746
2011-13 legislative increase (decrease) to 2009-11 appropriations	\$649,363	\$0	\$649,363
Percentage increase (decrease) to 2009-11 appropriations	8.6%	N/A	8.6%
2011-13 legislative increase (decrease) to executive budget	(\$187,988)	\$0	(\$187,988)
Percentage increase (decrease) to executive budget	(2.2%)	N/A	(2.2%)

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. 2015.

	Major Items FTE Positions	General Fund	Other Funds	Total
The legislative action:				
Added a research analyst FTE position.	1.00	\$131,000	\$20,000	\$151,000
Added a .5 FTE marketing specialist position.	0.50	96,000		96,000
Removed a new sustainable agriculture FTE position included in the executive recommendation.	(1.00)	(294,888)		(294,888)

Added 2 FTE anhydrous ammonia inspection positions (see Anhydrous Ammonia Inspection Duties section below).	2.00		410,328	410,328
Removed funding included in the executive recommendation for transportation research.		(50,000)		(50,000)
Added funding for honeybee colony research grants.		75,000		75,000
Added funding for Johne's disease control.		200,000		200,000
Added funding for the Wildlife Services program (see Wildlife Services section below).			350,000	350,000
Added funding for operating expenses of the Crop Protection Product Harmonization and Registration board.			25,000	25,000
Added funding to reimburse livestock producers for losses resulting from official disease testing of livestock (Senate Bill No. 2128).		4,900		4,900
Adjusted the funding source for department rent expense and a grant to the Dairy Coalition from the general fund to the environment and rangeland protection fund (see Environment and Rangeland Protection Fund section below).		(350,000)	350,000	0
Total	<u>2.50</u>	<u>(\$187,988)</u>	<u>\$1,155,328</u>	<u>\$967,340</u>

FTE Changes

The Legislative Assembly authorized 77 FTE positions for the 2011-13 biennium, an increase of 2.5 FTE positions from the 2009-11 biennium authorized level of 74.5 FTE positions. The Legislative Assembly removed 1 new FTE sustainable agriculture position included in the executive recommendation and added 2 FTE anhydrous ammonia inspector positions, 1 FTE research analyst position, and a .5 FTE marketing specialist position.

Wildlife Services

The 2011-13 biennium appropriation includes \$1,417,400 for Wildlife Services, an increase of \$150,000 from the 2009-11 biennium adjusted appropriation of \$1,267,400. The 2011-13 biennium appropriation includes \$868,800 from the game and fish fund, \$298,600 from the general fund, and \$250,000 to be transferred from the State Water Commission.

Section 3 of Senate Bill No. 2009 provides a \$200,000 deficiency appropriation from other funds received from the Game and Fish Department for the Wildlife Services program for the 2009-11 biennium.

Anhydrous Ammonia Inspection Duties

House Bill No. 1321 transfers anhydrous ammonia inspection duties from the Insurance Commissioner to the Agriculture Commissioner, eliminates the anhydrous ammonia storage facility inspection fund, and deposits anhydrous ammonia tonnage fees in the environment and rangeland protection fund. The Legislative Assembly provided the Agriculture Commissioner with funding for 2 FTE anhydrous ammonia inspector positions and related operating expenses. The funding for the positions is from the environment and rangeland protection fund.

Environment and Rangeland Protection Fund

Section 4 of Senate Bill No. 2009 identifies \$5,103,037 of funding included in the other funds appropriation of the Agriculture Commissioner as being from the environment and rangeland protection fund. This represents an increase of \$845,328 from the executive recommendation to provide \$4,257,709 from the fund and an increase of \$1,214,459 from the 2009-11 legislative appropriation from the fund to the Agriculture Commissioner of \$3,888,578.

The Legislative Assembly increased the Agriculture Commissioner's appropriation from the environment and rangeland protection fund as compared to the executive recommendation as follows:

Provided funding for the operating expenses of a new research analyst FTE position	\$20,000
Changed the funding source for department rent expense from the general fund to the environment and rangeland protection fund	100,000
Changed the funding source for a grant to the Dairy Coalition from the general fund to the environment and rangeland protection fund	250,000
Provided funding for 2 FTE anhydrous ammonia inspection positions and operating expenses	450,328
Increased funding for expenses of the Crop Protection Product Harmonization and Registration Board	25,000
Total	\$845,328

Section 5 of Senate Bill No. 2009 also provides for a transfer of \$200,000 from the environment and rangeland protection fund to the minor use pesticide fund.

Sections 13, 14, and 15 of Senate Bill No. 2009 amend Sections 19-20.1-03, 19-20.1-03.1, and 19-20.1-06 to deposit fertilizer distribution, registration, licensing, and inspection fees in the environment and rangeland protection fund rather than the general fund. This is estimated to reduce 2011-13 biennium general fund revenues by \$785,000. For additional information, see the environment and rangeland protection fund analysis in the Trust Fund Analyses section (Section L).

Other Sections in Senate Bill No. 2009

Game and fish fund - Section 6 authorizes \$1,068,261 from the game and fish fund during the 2011-13 biennium for the Wildlife Services program (\$868,800) and for expenses of the State Board of Animal Health (\$199,461).

State Water Commission funding - Section 7 provides that \$250,000 of the other funds appropriation for the Agriculture Commissioner is from funding received from the State Water Commission for the Wildlife Services program.

Johne's disease control unexpended 2009-11 biennium appropriation - Section 8 provides that unexpended appropriations from Senate Bill No. 2342 (2009) for Johne's disease control are not to be cancelled at the end of the 2009-11 biennium and may be continued into the 2011-13 biennium.

Agriculture Commissioner salary - Section 9 provides statutory changes to Section 4-01-21 relating to the salary of the Agriculture Commissioner. The salary is to be increased from \$90,122 to \$92,826 on July 1, 2011, and to \$95,610 on July 1, 2012.

Sustainable agriculture program - Section 10 amends Section 4-01-23 to provide changes to the statutory requirements of the sustainable agriculture program administered by the Agriculture Commissioner.

Wine and spirits promotion - Sections 11 and 12 amend Sections 5-01-17 and 5-01-19 relating to special events permits for wine and spirit promotion in the state.

Related Legislation

Senate Bill No. 2085 allows the Agriculture Commissioner to assess a civil penalty to a person distributing or selling noxious weeds and allows the Agriculture Commissioner to use up to \$50,000 of the Agriculture Department appropriation from the environment and rangeland protection fund for invasive weed control for the 2011-13 biennium.

Senate Bill No. 2128 appropriates \$4,900 from the general fund to the Agriculture Commissioner for providing reimbursement to livestock producers for losses resulting from official disease testing of livestock.