

**FIRST ENGROSSMENT  
with Conference Committee Amendments**

**ENGROSSED SENATE BILL NO. 2009**

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 amend and reenact sections 4-01-21 and 4-37-02 of the North Dakota  
3 Century Code, relating to the salary of the agriculture commissioner and to the agriculture in  
4 the classroom council; to provide for transfers; to provide for legislative intent; to provide for a  
5 legislative council study; to provide for a performance audit; to provide for a report to the budget  
6 section; and to declare an emergency.

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

8 **SECTION 1. BASE LEVEL FUNDING INFORMATION.** The amounts identified in this  
9 section represent the base level funding component appropriated to the agriculture  
10 commissioner in section 3 of this Act as follows:

11 Salaries and wages	\$5,783,517
12 Operating expenses	4,255,875
13 Capital assets	5,000
14 Grants	1,774,225
15 Board of animal health	2,036,027
16 Wildlife services contingency	130,000
17 Crop harmonization board	<u>25,000</u>
18 Total all funds - Base level	\$14,009,644
19 Less estimated income - Base level	<u>9,486,532</u>
20 Total general fund - Base level	\$4,523,112

21 **SECTION 2. FUNDING ADJUSTMENTS OR ENHANCEMENTS INFORMATION.** The  
22 amounts identified in this section represent the funding adjustments or enhancements to the  
23 base funding level for the agriculture commissioner which are included in the appropriation in  
24 section 3 of this Act as follows:

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1	Salaries and wages	\$1,209,097
2	Operating expenses	458,508
3	Grants	75,000
4	Board of animal health	263,675
5	Wildlife services contingency	(130,000)
6	Wildlife services	<u>1,050,000</u>
7	Total all funds - Adjustments/enhancements	\$2,926,280
8	Less estimated income - Adjustments/enhancements	<u>1,746,439</u>
9	Total general fund - Adjustments/enhancements	\$1,179,841

10           **SECTION 3. APPROPRIATION.** The funds provided in this section, or so much of the  
11 funds as may be necessary, are appropriated out of any moneys in the general fund in the state  
12 treasury, not otherwise appropriated, and from special funds derived from federal funds and  
13 other income, to the agriculture commissioner for the purpose of defraying the expenses of that  
14 agency, for the biennium beginning July 1, 2007, and ending June 30, 2009, as follows:

15	Salaries and wages	\$6,992,614
16	Operating expenses	4,714,383
17	Capital assets	5,000
18	Grants	1,849,225
19	Board of animal health	2,299,702
20	Wildlife services	1,050,000
21	Crop harmonization board	<u>25,000</u>
22	Total all funds	\$16,935,924
23	Less estimated income	<u>11,232,971</u>
24	Total general fund appropriation	\$5,702,953

25           **SECTION 4. ESTIMATED INCOME - ENVIRONMENT AND RANGELAND**  
26 **PROTECTION FUND.** The estimated income line item in section 3 of this Act includes the sum  
27 of \$3,142,109, or so much of the sum as may be available, from the environment and  
28 rangeland protection fund for the purpose of defraying the expenses of various agriculture  
29 department programs, for the biennium beginning July 1, 2007, and ending June 30, 2009.

30           **SECTION 5. ANHYDROUS AMMONIA STORAGE INSPECTION FUND.** The  
31 estimated income line item in section 3 of this Act includes the sum of \$65,912, or so much of

1 the sum as may be available, from the anhydrous ammonia storage inspection fund for the  
2 purpose of defraying the expenses of regulating anhydrous ammonia storage facilities, for the  
3 biennium beginning July 1, 2007, and ending June 30, 2009.

4 **SECTION 6. ESTIMATED INCOME - GAME AND FISH FUND.** The estimated income  
5 line item in section 3 of this Act includes the sum of \$1,019,684, or so much of the sum as may  
6 be necessary, from the game and fish department operating fund for the purpose of defraying  
7 the expenses of various agriculture department programs for the biennium beginning July 1,  
8 2007, and ending June 30, 2009.

9 **SECTION 7. INTENT - SALARY EQUITY.** The sum of \$259,000 included in the  
10 salaries and wages line item in section 3 of this Act is for salary equity increases, which must  
11 be based on market.

12 **SECTION 8. TRANSFER - APPROPRIATION.** The office of management and budget  
13 shall transfer \$150,000 from the general fund to the environment and rangeland protection fund  
14 during the period beginning July 1, 2007, and ending June 30, 2009.

15 **SECTION 9. TRANSFER - APPROPRIATION.** The North Dakota state university  
16 extension service shall provide \$50,000 from the pesticide enforcement fund to the agriculture  
17 commissioner for deposit in the environment and rangeland protection fund for the endangered  
18 species program during the period beginning July 1, 2007, and ending June 30, 2009.

19 **SECTION 10. INTENT - EMERGENCY COMMISSION REQUEST.** The agriculture  
20 commissioner may request from the emergency commission additional full-time equivalent  
21 positions for the state meat inspection program if demand for the program increases sufficient  
22 to require the positions during the period beginning July 1, 2007, and ending June 30, 2009.

23 **SECTION 11. TRANSFER.** The commissioner shall transfer \$200,000 from the  
24 environment and rangeland protection fund to the minor use pesticide fund.

25 **SECTION 12. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO**  
26 **SIXTY-FIRST LEGISLATIVE ASSEMBLY.** The general fund appropriation in Senate Bill No.  
27 2338 includes \$90,836 for the one-time funding items identified in this section. This amount is  
28 not a part of the agency's base budget to be used in preparing the 2009-11 executive budget.  
29 The agriculture commissioner shall report to the appropriations committees of the sixty-first  
30 legislative assembly on the use of this one-time funding for the biennium beginning July 1,  
31 2007, and ending June 30, 2009.

1 Animal tracking data base \$90,836

2 **SECTION 13. SPECIAL REVENUE - REPORT TO BUDGET SECTION.** All revenues  
3 from inspection and grading services provided by state meat inspectors and graders must be  
4 allocated to the state meat inspection program. The agriculture commissioner shall report  
5 annually to the budget section regarding the revenues and expenditures for the state meat  
6 inspection program.

7 **SECTION 14. ENDANGERED SPECIES PROGRAM - REPORT TO BUDGET**

8 **SECTION.** The agriculture commissioner shall report annually to the budget section regarding  
9 the status of the endangered species program.

10 **SECTION 15. LEGISLATIVE COUNCIL STUDY - TRANSFER OF PROGRAM.** The  
11 legislative council shall consider studying, during the 2007-08 interim, the transfer of predator  
12 control from the agriculture commissioner to the game and fish department. The study should  
13 include a review of the South Dakota predator control program. The legislative council shall  
14 report its findings and recommendations, together with any legislation required to implement  
15 the recommendations, to the sixty-first legislative assembly.

16 **SECTION 16. PERFORMANCE AUDIT - WILDLIFE SERVICES.** The state auditor  
17 shall conduct a performance audit of the services provided pursuant to the cooperative  
18 agreement between the agriculture commissioner and the United States department of  
19 agriculture wildlife services during the biennium beginning July 1, 2007, and ending June 30,  
20 2009. The performance audit must include a review of all funding sources, including grants  
21 from the agriculture commissioner, game and fish funds, and federal funds, for the wildlife  
22 damage management program in North Dakota for the 2003-05, 2005-07, and 2007-09  
23 bienniums. The results of the performance audit must be presented to the legislative audit and  
24 fiscal review committee and filed with the appropriations committees during the sixty-first  
25 legislative assembly.

26 **SECTION 17. AMENDMENT.** Section 4-01-21 of the North Dakota Century Code is  
27 amended and reenacted as follows:

28 **4-01-21. Salary of agriculture commissioner.** The annual salary of the agriculture  
29 commissioner is ~~seventy-two~~ seventy-eight thousand ~~six~~ five hundred ~~sixty-nine~~ ninety-nine  
30 dollars through June 30, ~~2006~~ 2008, and ~~seventy-five~~ eighty-one thousand ~~five~~ seven hundred  
31 ~~seventy-six~~ forty-three dollars thereafter.

1           **SECTION 18. AMENDMENT.** Section 4-37-02 of the North Dakota Century Code is  
2 amended and reenacted as follows:

3           **4-37-02. Agriculture in the classroom council.** An agriculture in the classroom  
4 council is established. The council consists of sixteen members to be appointed by the  
5 agriculture commissioner. One member must be the agriculture commissioner or the  
6 commissioner's designee, and one member must be the superintendent of public instruction or  
7 the superintendent's designee. Agriculture in the classroom grant recipients are nonvoting  
8 members of the council.

9           **SECTION 19. EMERGENCY.** The sum of \$130,000 included in the wildlife services  
10 line item in section 3 of this Act is declared to be an emergency measure.