

**FIRST ENGROSSMENT
with Conference Committee Amendments**

Sixty-first
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1009

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 provide for a livestock health permit inspection program; to amend and
3 reenact sections 4-01-19 and 4-01-21 and subdivision d of subsection 1 of section 19-18-04 of
4 the North Dakota Century Code, relating to marketing program revenue, the salary of the
5 agriculture commissioner, and pesticide registration fees; to provide for a legislative council
6 study; and to declare an emergency.

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

8 **SECTION 1. APPROPRIATION.** The funds provided in this section, or so much of the
9 funds as may be necessary, are appropriated out of any moneys in the general fund in the state
10 treasury, not otherwise appropriated, and from special funds derived from federal funds and
11 other income, to the agriculture commissioner for the purpose of defraying the expenses of that
12 agency, for the biennium beginning July 1, 2009, and ending June 30, 2011, as follows:

| | | Adjustments or | |
|-----------------------------|-------------------|---------------------|----------------------|
| | <u>Base Level</u> | <u>Enhancements</u> | <u>Appropriation</u> |
| 15 Salaries and wages | \$6,984,840 | \$1,581,356 | \$8,566,196 |
| 16 Operating expenses | 4,714,383 | 1,380,220 | 6,094,603 |
| 17 Capital assets | 5,000 | 0 | 5,000 |
| 18 Grants | 1,849,225 | 1,120,600 | 2,969,825 |
| 19 Board of animal health | 2,299,702 | 263,623 | 2,563,325 |
| 20 Wildlife services | 1,209,000 | (141,600) | 1,067,400 |
| 21 Crop harmonization board | <u>25,000</u> | <u>25,000</u> | <u>50,000</u> |
| 22 Total all funds | \$17,087,150 | \$4,229,199 | \$21,316,349 |
| 23 Less estimated income | <u>11,388,326</u> | <u>2,706,140</u> | <u>14,094,466</u> |

| | | | | |
|---|--------------------------------|-------------|-------------|-------------|
| 1 | Total general fund | \$5,698,824 | \$1,523,059 | \$7,221,883 |
| 2 | Full-time equivalent positions | 67.50 | 7.00 | 74.50 |

3 **SECTION 2. ESTIMATED INCOME - ENVIRONMENT AND RANGELAND**

4 **PROTECTION FUND.** The estimated income line item in section 1 of this Act includes the sum
5 of \$3,888,578, or so much of the sum as may be available, from the environment and
6 rangeland protection fund for the purpose of defraying the expenses of various agriculture
7 department programs, for the biennium beginning July 1, 2009, and ending June 30, 2011.

8 **SECTION 3. ANHYDROUS AMMONIA STORAGE INSPECTION FUND.** The

9 estimated income line item in section 1 of this Act includes the sum of \$40,000, or so much of
10 the sum as may be available, from the anhydrous ammonia storage inspection fund for the
11 purpose of defraying the expenses of regulating anhydrous ammonia storage facilities, for the
12 biennium beginning July 1, 2009, and ending June 30, 2011.

13 **SECTION 4. ESTIMATED INCOME - GAME AND FISH FUND.** The estimated income

14 line item in section 1 of this Act includes the sum of \$968,800, or so much of the sum as may
15 be necessary, from the game and fish department operating fund for the purpose of defraying
16 the expenses of various agriculture department programs for the biennium beginning July 1,
17 2009, and ending June 30, 2011.

18 **SECTION 5. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO**

19 **SIXTY-SECOND LEGISLATIVE ASSEMBLY.** The following amounts reflect the one-time
20 funding items approved by the sixtieth legislative assembly for the 2007-09 biennium and the
21 2009-11 one-time funding items included in the appropriation in section 1 of this Act:

| 22 <u>One-Time Funding Description</u> | <u>2007-09</u> | <u>2009-11</u> |
|--|-----------------|----------------|
| 23 Animal tracking database | <u>\$90,836</u> | <u>\$0</u> |
| 24 Total general fund | \$90,836 | \$0 |

25 The 2009-11 one-time funding amounts are not a part of the entity's base budget for the
26 2011-13 biennium. The agriculture commissioner shall report to the appropriations committees
27 of the sixty-second legislative assembly on the use of this one-time funding for the biennium
28 beginning July 1, 2009, and ending June 30, 2011.

29 **SECTION 6. LEGISLATIVE COUNCIL STUDY - WILDLIFE SERVICES.** During the

30 2009-10 interim, the legislative council shall consider studying the cooperative agreement
31 between the agriculture commissioner and the United States department of agriculture wildlife

1 services program. The study, if conducted, must include a review of current program funding
2 sources and a review of wildlife damage control programs in other states, including South
3 Dakota. The legislative council shall report its findings and recommendations, together with
4 any legislation required to implement the recommendations, to the sixty-second legislative
5 assembly.

6 **SECTION 7. LIVESTOCK HEALTH PERMIT INSPECTION PROGRAM.** The state
7 board of animal health shall increase the number of health permit inspections on livestock
8 entering the state for the biennium beginning July 1, 2009, and ending June 30, 2011. As part
9 of the program, the board shall provide public information on the results of the livestock health
10 permit inspections.

11 **SECTION 8. OFFICE SPACE LEASE FUNDING - BUDGET SECTION APPROVAL.**
12 The operating expenses line item in section 1 of this Act includes the sum of \$120,000 from the
13 general fund which the agriculture commissioner may use to lease additional office space for
14 department purposes, subject to budget section approval.

15 **SECTION 9. PROJECT SAFE SEND - 2009 FLOOD PESTICIDE CLEANUP.** The
16 operating expenses line item in section 1 of this Act includes the sum of \$40,000 from the
17 environment and rangeland protection fund which the agriculture commissioner shall use for
18 the collection of damaged pesticides resulting from 2009 flooding under the project safe send
19 program for the period beginning with the effective date of this Act and ending June 30, 2011.

20 **SECTION 10. AMENDMENT.** Section 4-01-19 of the North Dakota Century Code is
21 amended and reenacted as follows:

22 **4-01-19. Marketing bureau.** The agriculture commissioner shall establish and
23 maintain a marketing bureau for the purpose of gathering and disseminating statistical
24 information on agricultural marketing problems of the state and engaging in marketing services
25 of agricultural products. Any moneys received or generated by the pride of Dakota program
26 must be deposited in the ~~general~~ agriculture department operating fund in the state treasury.

27 **SECTION 11. AMENDMENT.** Section 4-01-21 of the North Dakota Century Code is
28 amended and reenacted as follows:

29 **4-01-21. Salary of agriculture commissioner.** The annual salary of the agriculture
30 commissioner is ~~seventy-eight~~ eighty-five thousand five hundred ninety-nine ~~thirty~~ thirty dollars

1 through June 30, ~~2008~~ 2010, and ~~eighty-one~~ ninety thousand ~~seven~~ one hundred ~~forty-three~~
2 twenty-two dollars thereafter.

3 **SECTION 12. AMENDMENT.** Subdivision d of subsection 1 of section 19-18-04 of the
4 North Dakota Century Code is amended and reenacted as follows:

5 d. Be accompanied by a registration fee of three hundred fifty dollars for each
6 product to be registered. At the close of each calendar month, the
7 commissioner shall transmit to the state treasurer all moneys received for the
8 registrations. The state treasurer shall credit ~~fifty dollars for each registered~~
9 ~~product to the general fund in the state treasury and the remainder of the~~
10 registration fee for each registered product to the environment and rangeland
11 protection fund.

12 **SECTION 13. FULL-TIME EQUIVALENT POSITION - EMERGENCY COMMISSION**

13 **APPROVAL.** The agriculture commissioner may request from the emergency commission an
14 additional full-time equivalent position for the state meat inspection program if demand for the
15 program increases sufficient to require the position for the biennium beginning July 1, 2009,
16 and ending June 30, 2011.

17 **SECTION 14. EMERGENCY.** The sum of \$40,000 for project safe send included in the
18 operating expenses line item in section 1 of this Act is declared to be an emergency measure.