

Introduced by

Appropriations Committee

1 A BILL for an Act to provide an appropriation for defraying the expenses of the agriculture  
2 commissioner; to provide for a transfer; to amend and reenact sections 4.1-01-02 and 4.1-01-17  
3 of the North Dakota Century Code, relating to the salary of the agriculture commissioner and  
4 the pipeline restoration and reclamation oversight program; to amend and reenact section 7 of  
5 chapter 34 of the 2019 Session Laws, relating to the waterbank program; to provide for a report;  
6 and to provide for a legislative management study.

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 funds  
9 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 the  
12 agriculture commissioner, for the biennium beginning July 1, 2021, and ending June 30, 2023.

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
14 Salaries and wages	\$14,232,746	\$1,487,555	\$15,720,301
16 Operating expenses	6,592,780	255,272	6,848,052
17 Capital assets	15,000	0	15,000
18 Grants	8,823,774	708,000	9,531,774
19 Environmental impact mitigation	5,000,000	(5,000,000)	0
20 Agricultural products utilization	1,760,417	2,700,000	4,460,417
21 commission			
22 North Dakota trade office	0	1,600,000	1,600,000
23 Board of animal health	865,718	0	865,718
24 Wildlife services	1,457,400	0	1,457,400

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1	Pipeline restoration and reclamation	200,000	0	200,000
2	oversight program			
3	Crop harmonization board	<u>75,000</u>	<u>0</u>	<u>75,000</u>
4	Total all funds	\$39,022,835	\$1,750,827	\$40,773,662
5	Less estimated income	<u>28,322,406</u>	<u>(1,007,568)</u>	<u>27,314,838</u>
6	Total general fund	\$10,700,429	\$2,758,395	\$13,458,824
7	Full-time equivalent positions	78.00	1.00	79.00

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

9       **SIXTY-EIGHTH LEGISLATIVE ASSEMBLY.** The following amounts reflect the one-time funding  
 10 items approved by the sixty-sixth legislative assembly for the 2019-21 biennium and the  
 11 one-time funding items included in the appropriation in section 1 of this Act:

12	<u>One-Time Funding Description</u>	<u>2019-21</u>	<u>2021-23</u>
13	Master customer database	\$110,000	\$0
14	Grain insolvency litigation	100,000	0
15	Agricultural products utilization commission	2,000,000	2,700,000
16	Soil health grants	<u>0</u>	<u>500,000</u>
17	Total all funds	\$2,210,000	\$3,200,000
18	Less estimated income	<u>2,000,000</u>	<u>3,200,000</u>
19	Total general fund	\$210,000	\$0

20       The 2021-23 biennium one-time funding amounts are not a part of the entity's base budget  
 21 for the 2023-25 biennium. The agriculture commissioner shall report to the appropriations  
 22 committees of the sixty-eighth legislative assembly on the use of this one-time funding for the  
 23 biennium beginning July 1, 2021, and ending June 30, 2023.

24       **SECTION 3. APPROPRIATION - TRANSFER - GENERAL FUND TO BIOSCIENCE**

25       **INNOVATION GRANT FUND - ONE-TIME FUNDING.** There is appropriated out of any moneys  
 26 in the general fund in the state treasury, not otherwise appropriated, the sum of \$5,500,000, or  
 27 so much of the sum as may be necessary, which the office of management and budget shall  
 28 transfer to the bioscience innovation grant fund for the biennium beginning July 1, 2021, and  
 29 ending June 30, 2023. The agriculture commissioner shall use these funds for providing  
 30 bioscience innovation grants. This funding is considered a one-time funding item.

1       **SECTION 4. APPROPRIATION - TRANSFER - GENERAL FUND TO FEDERAL**  
2 **ENVIRONMENTAL LAW IMPACT REVIEW FUND - ONE-TIME FUNDING.** There is  
3 appropriated out of any moneys in the general fund in the state treasury, not otherwise  
4 appropriated, the sum of \$5,000,000, or so much of the sum as may be necessary, which the  
5 office of management and budget shall transfer to the federal environmental law impact review  
6 fund for the biennium beginning July 1, 2021, and ending June 30, 2023. The agriculture  
7 commissioner shall use these funds for defraying costs associated with federal environmental  
8 legislation or regulations which detrimentally impact or potentially impact the state's agricultural,  
9 energy, or oil production sectors. This funding is considered a one-time funding item.

10       **SECTION 5. ESTIMATED INCOME - TRANSFER - BANK OF NORTH DAKOTA**  
11 **PROFITS - AGRICULTURAL PRODUCTS UTILIZATION COMMISSION - ONE-TIME**  
12 **FUNDING.** The estimated income line item in section 1 of this Act includes the sum of  
13 \$2,700,000 which the Bank of North Dakota shall transfer from the Bank's current earnings and  
14 undivided profits to the agriculture commissioner for deposit in the agricultural products  
15 utilization commission fund for defraying the expenses of the agricultural products utilization  
16 commission for the biennium beginning July 1, 2021, and ending June 30, 2023. This funding is  
17 considered a one-time funding item.

18       **SECTION 6. ESTIMATED INCOME - TRANSFER - BANK OF NORTH DAKOTA**  
19 **PROFITS - OUTDOOR HERITAGE FUND - SOIL HEALTH COVER CROP GRANT**  
20 **PROGRAM - ONE-TIME FUNDING.** The estimated income line item in section 1 of this Act  
21 includes the sum of \$500,000, of which the Bank of North Dakota shall transfer \$300,000 from  
22 the Bank's current earnings and undivided profits and the industrial commission shall transfer  
23 \$200,000 from the outdoor heritage fund to the agriculture commissioner for deposit in the  
24 agriculture commissioner's operating fund for defraying the expenses of the soil health cover  
25 crop grant program for the biennium beginning July 1, 2021, and ending June 30, 2023. The  
26 agriculture commissioner shall establish guidelines for the use of grant funding provided for this  
27 program. This funding is considered a one-time funding item.

28       **SECTION 7. ESTIMATED INCOME - TRANSFER - STATE WATER COMMISSION.** The  
29 estimated income line item in section 1 of this Act includes the sum of \$125,000 which the state  
30 water commission shall transfer to the agriculture commissioner for the purpose of defraying the  
31 expenses of the wildlife services program.

1       **SECTION 8. TRANSFER - ENVIRONMENT AND RANGELAND PROTECTION FUND -**  
2 **MINOR USE PESTICIDE FUND.** The agriculture commissioner shall transfer \$325,000 from the  
3 environment and rangeland protection fund to the minor use pesticide fund during the biennium  
4 beginning July 1, 2021, and ending June 30, 2023.

5       **SECTION 9. ESTIMATED INCOME - ENVIRONMENT AND RANGELAND PROTECTION**  
6 **FUND.** The estimated income line item in section 1 of this Act includes the sum of \$6,900,301  
7 from the environment and rangeland protection fund for the purpose of defraying the expenses  
8 of various agriculture commissioner programs.

9       **SECTION 10. ESTIMATED INCOME - GAME AND FISH FUND.** The estimated income line  
10 item in section 1 of this Act includes the sum of \$619,329 from the game and fish department  
11 operating fund for the purpose of defraying the expenses of various agriculture commissioner  
12 programs.

13       **SECTION 11. TRADE OFFICE - MATCHING FUND REQUIREMENT.** The North Dakota  
14 trade office line item and the general fund appropriation in section 1 of this Act include  
15 \$1,600,000 of funding related to the North Dakota trade office. The agriculture commissioner  
16 may spend sixty percent of this amount without requiring any matching funds from the trade  
17 office. Any additional amounts may be spent only to the extent the North Dakota trade office  
18 provides one dollar of matching funds from private or other public sources for each one dollar  
19 provided by the agriculture commissioner. Matching funds may include money spent by  
20 businesses or organizations to pay salaries to export assistants, providing training to export  
21 assistants, or to purchase computer equipment as part of the North Dakota trade office's export  
22 assistant program.

23       **SECTION 12. AMENDMENT.** Section 4.1-01-02 of the North Dakota Century Code is  
24 amended and reenacted as follows:

25       **4.1-01-02. Salary of agriculture commissioner.**

26       The annual salary of the agriculture commissioner is one hundred ~~sixteen~~twenty-one  
27 thousand ~~eight~~five hundred ~~thirty-six~~fifty-three dollars through June 30, ~~2020~~2022, and one  
28 hundred ~~nineteen~~twenty-three thousand ~~seven~~three hundred ~~fifty-seven~~seventy-six dollars after  
29 that date.

30       **SECTION 13. AMENDMENT.** Section 4.1-01-17 of the North Dakota Century Code is  
31 amended and reenacted as follows:

1       **4.1-01-17. Pipeline restoration and reclamation oversight pilot program - Generally.**

2       1. The commissioner shall establish a pilot program providing technical assistance and  
3       support to surface owners and surface tenants on pipeline restoration and followup  
4       support to surface owners and surface tenants on pipeline reclamation.

5       2. The commissioner may contract for ombudsmen to be a resource for technical  
6       assistance and followup on pipeline issues. The ombudsmen may not investigate or  
7       assist with any pipeline installed before January 1, 2006, or regulated by the public  
8       service commission under title 49, and may not assist in easement negotiations.

9       3. The pilot program may provide technical education, support, and outreach on  
10      pipeline-related matters in coordination with other entities.

11     4. The commissioner may contract with local individuals, deemed trustworthy by the  
12      surface owners and surface tenants, to be ombudsmen. The commissioner is not  
13      subject to the provisions of chapter 54-44.4 when contracting for the services of  
14      ombudsmen.

15     5. The names of surface owners and surface tenants who receive assistance under the  
16      program are closed records as defined in section 44-04-17.1.

17      **SECTION 14. ESTIMATED INCOME - PIPELINE RESTORATION AND RECLAMATION.**

18      The estimated income line item in section 1 of this Act includes the sum of \$200,000 from the  
19      abandoned oil and gas well plugging and site reclamation fund for the purpose of defraying the  
20      expenses of the pipeline restoration and reclamation program.

21      **SECTION 15. AMENDMENT.** Section 7 of chapter 34 of the 2019 Session Laws is  
22      amended and reenacted as follows:

23              **SECTION 7. WATERBANK PROGRAM - MATCHING FUNDS.** The salaries and  
24              wages line item in section 1 of this Act includes up to \$50,000 from the general fund  
25              for matching funds for the North Dakota outdoor heritage fund grant provided for the  
26              waterbank program.

27              **SECTION 16. WATERBANK PROGRAM - MATCHING FUNDS.** The salaries and wages  
28              line item in section 1 of this Act includes up to \$50,000 from the general fund for matching funds  
29              for the North Dakota outdoor heritage fund grant provided for the waterbank program.

30      **SECTION 17. LEGISLATIVE MANAGEMENT STUDY - NORTH DAKOTA BEEF**

31      **COMMISSION.** During the 2021-22 interim, the legislative management shall consider studying

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- 1 the North Dakota beef commission, including its operations and the selection of commission
- 2 members. The legislative management shall report its findings and recommendations, together
- 3 with any legislation required to implement the recommendations, to the sixty-eighth legislative
- 4 assembly.