

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1009

Page 1, line 2, replace the second "and" with a comma

Page 1, line 2, after "4.1-01-17" insert ", and 54-12-08"

Page 1, line 3, replace "and" with a comma

Page 1, line 4, after "program" insert ", and the ability of state agencies to employ attorney positions"

Page 1, remove lines 15 through 24

Page 2, replace lines 1 through 7 with:

"Salaries and wages	\$14,232,746	\$1,484,380	\$15,717,126
Operating expenses	6,592,780	255,272	6,848,052
Capital assets	15,000	0	15,000
Grants	8,823,774	908,000	9,731,774
Environmental impact mitigation	5,000,000	(5,000,000)	0
Agricultural products utilization commission	1,760,417	2,700,000	4,460,417
North Dakota trade office	0	1,600,000	1,600,000
Board of animal health	865,718	0	865,718
Wildlife services	1,457,400	0	1,457,400
Pipeline restoration and reclamation oversight program	200,000	0	200,000
Crop harmonization board	<u>75,000</u>	<u>0</u>	<u>75,000</u>
Total all funds	\$39,022,835	\$1,947,652	\$40,970,487
Less estimated income	<u>28,322,406</u>	<u>(811,631)</u>	<u>27,510,775</u>
Total general fund	\$10,700,429	\$2,759,283	\$13,459,712
Full-time equivalent positions	78.00	1.00	79.00"

Page 2, replace lines 16 through 19 with:

"Soil health grants		<u>0</u>	<u>700,000</u>
Total all funds		\$2,210,000	\$3,400,000
Less estimated income		<u>2,000,000</u>	<u>3,400,000</u>
Total general fund		\$210,000	\$0"

Page 3, line 19, replace "- **OUTDOOR HERITAGE FUND**" with "**ADDITIONAL INCOME**"

Page 3, line 21, replace "\$500,000" with "\$700,000"

Page 3, line 22, remove "and the industrial commission shall transfer"

Page 3, line 23, remove "\$200,000 from the outdoor heritage fund"

Page 3, line 24, after "fund" insert "and \$400,000 is from federal or other funds available to the agriculture commissioner"

Page 4, line 6, replace "\$6,900,301" with "\$6,899,395"

Page 4, line 28, replace "three" with "nine"

Page 4, line 28, replace "seventy-six" with "eighty-four"

Page 5, after line 16, insert:

**"SECTION 14. AMENDMENT.** Section 54-12-08 of the North Dakota Century Code is amended and reenacted as follows:

**54-12-08. Assistant and special assistant attorneys general - Appointment - Revocation - Compensation.**

1. After consultation with the head of the state department or institution or with the state board, commission, committee, or agency affected, the attorney general may appoint assistant or special assistant attorneys general to represent the state board, commission, committee, or agency. A state officer, head of any state department, whether elected or appointed, or state department, board, commission, committee, or agency may not employ legal counsel, and no person may act as legal counsel in any matter, action, or proceeding in which the state or any state department, board, commission, committee, or agency is interested or is a party, except upon written appointment by the attorney general. Workforce safety and insurance, the department of transportation, the state tax commissioner, the public service commission, the insurance commissioner, the agriculture commissioner, and the securities commissioner may employ attorneys to represent them. These entities shall pay the salaries and expenses of the attorneys they employ within the limits of legislative appropriations. The attorneys that represent these entities must be special assistant attorneys general appointed by the attorney general pursuant to this section. Absent good cause, the attorney general shall appoint as special assistant attorneys general licensed attorneys selected by these entities. The attorney general may revoke the appointment only for good cause or upon the request of the entity. Good cause means an inadequate level of experience, competence, or ethical standards.
2. The powers conferred upon special assistant attorneys general are the same as are exercised by the regular assistant attorneys general, unless the powers are limited specifically by the terms of the appointment. Except as otherwise provided by this section, an appointment is revocable at the pleasure of the attorney general. The appointment may be made with or without compensation, and when compensation is allowed by the attorney general for services performed, the compensation must be paid out of the funds appropriated therefor.
3. The attorney general may require payment for legal services rendered by any assistant or special assistant attorney general to any state official, board, department, agency, or commission and those entities shall make the required payment to the attorney general. Moneys received by the attorney general in payment for legal services rendered must be deposited into the attorney general's operating fund. General fund moneys may not be utilized for the payment of legal services provided by the attorneys employed by the attorney general, except for those payments required of the department of human services, state department of health, department of environmental quality, and the state hospital.
4. An assistant or special assistant attorney general appointed to represent the state board of higher education or an institution under the control of the

state board of higher education may access and examine any record under the control of the state board of higher education. For purposes of reviewing records under the Family Educational Rights and Privacy Act [20 U.S.C. 1232g; 34 CFR 99] or any other federal privacy law, the assistant or special assistant attorney general is considered a state educational official authorized to access student records."

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

**House Bill No. 1009 - Department of Agriculture - Senate Action**

	<b>Base Budget</b>	<b>House Version</b>	<b>Senate Changes</b>	<b>Senate Version</b>
Salaries and wages	\$14,232,746	\$15,720,301	(\$3,175)	\$15,717,126
Operating expenses	6,592,780	6,848,052		6,848,052
Capital assets	15,000	15,000		15,000
Grants	8,823,774	9,531,774	200,000	9,731,774
State Board of Animal Health	865,718	865,718		865,718
Wildlife services	1,457,400	1,457,400		1,457,400
Crop Harmonization Board	75,000	75,000		75,000
Pipeline restoration and reclamation	200,000	200,000		200,000
Ag. Products Utilization Commission	1,760,417	4,460,417		4,460,417
Mitigation of environmental impacts	5,000,000			
Bioscience innovation grants		5,500,000		5,500,000
Environmental law impact review		5,000,000		5,000,000
North Dakota Trade Office		1,600,000		1,600,000
<b>Total all funds</b>	<b>\$39,022,835</b>	<b>\$51,273,662</b>	<b>\$196,825</b>	<b>\$51,470,487</b>
Less estimated income	28,322,406	27,314,838	195,937	27,510,775
<b>General fund</b>	<b>\$10,700,429</b>	<b>\$23,958,824</b>	<b>\$888</b>	<b>\$23,959,712</b>
FTE	78.00	79.00	0.00	79.00

**Department 602 - Department of Agriculture - Detail of Senate Changes**

	<b>Adjusts Funding for Salary and Benefit Increases<sup>1</sup></b>	<b>Adjusts One-Time Funding for a Soil Health Grant Program<sup>2</sup></b>	<b>Total Senate Changes</b>
Salaries and wages	(\$3,175)		(\$3,175)
Operating expenses			
Capital assets			
Grants		\$200,000	200,000
State Board of Animal Health			
Wildlife services			
Crop Harmonization Board			
Pipeline restoration and reclamation			
Ag. Products Utilization Commission			
Mitigation of environmental impacts			
Bioscience innovation grants			
Environmental law impact review			
North Dakota Trade Office			
<b>Total all funds</b>	<b>(\$3,175)</b>	<b>\$200,000</b>	<b>\$196,825</b>
Less estimated income	(4,063)	200,000	195,937
<b>General fund</b>	<b>\$888</b>	<b>\$0</b>	<b>\$888</b>
FTE	0.00	0.00	0.00

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<sup>1</sup> Salaries and wages funding is adjusted for 2021-23 biennium salary increases of 1.5 percent on July 1, 2021, with a minimum monthly increase of \$100 and 2 percent on July 1, 2022. The House provided salary adjustments of 1.5 percent on July 1, 2021, and July 1, 2022, with a minimum monthly increase of \$100 and a maximum monthly increase of \$250.

<sup>2</sup> One-time funding is increased by \$200,000 for a soil health cover crop grant program to provide a total of \$700,000 for the program, of which \$300,000 is from Bank of North Dakota profits and \$400,000 is from other funds derived from federal and special funds the Agriculture Commissioner may receive during the biennium for the program. The House approved a total of \$500,000 for the program, of which \$300,000 was from Bank profits and \$200,000 was from the outdoor heritage fund.

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This amendment also:

- Amends a section related to the Agriculture Commissioner's salary provided for in statute to reflect salary increases of 1.5 percent and 2 percent approved for the 2021-23 biennium.
- Adds a section to amend North Dakota Century Code Section 54-12-08 to add the Agriculture Commissioner to the list of agencies allowed to employ an attorney position.