

SENATE BILL No. 212

March 20, 1991, Introduced by Senator MC MANUS and referred
to the Committee on Appropriations.

EXECUTIVE BUDGET BILL

A bill to make appropriations for the department of agriculture for the fiscal year ending September 30, 1992; to provide for the expenditure of the appropriations; to create funds; to provide for the imposition of fees; to require reports, audits, and plans; to authorize certain transfers by certain state agencies; and to provide for the disposition of fees and other income received by certain state agencies.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 101. There is appropriated for the department of agriculture
2 for the fiscal year ending September 30, 1992, from the following funds:

3 DEPARTMENT OF AGRICULTURE

4 APPROPRIATIONS SUMMARY:

5 Full-time equated unclassified positions.....6.0

1	Full-time equated classified positions.....	584.3	
2	GROSS APPROPRIATION.....	\$	51,234,800
3	Interdepartmental grant revenues:		
4	Total interdepartment grant revenues.....		615,400
5	ADJUSTED GROSS APPROPRIATION.....	\$	50,619,400
6	Federal revenues:		
7	Total federal revenues.....		3,864,900
8	Special revenue funds:		
9	Total private revenues.....		949,300
10	Total other state restricted revenues.....		19,607,300
11	State general fund/general purpose.....	\$	26,197,900
12	EXECUTIVE		
13	Full-time equated unclassified positions.....	3.0	
14	Full-time equated classified positions.....	37.5	
15	Commission, including travel (per diem each \$75.00).....	\$	33,400
16	Marketing and bargaining board, including travel		
17	(per diem \$35.00)		2,500
18	Upper Peninsula state fair board, including travel (per		
19	diem \$50.00)		12,600
20	Soil conservation committee, including travel (per diem		
21	\$35.00)		4,000
22	Director.....		83,100
23	Unclassified positions.....		143,700
24	Affirmative action--2.0 FTE positions.....		188,400
25	Executive direction--9.5 FTE positions.....		706,500
26	Emergency services--1.0 FTE position.....		81,800
27	Statistical reporting service--4.0 FTE positions.....		354,100
28	Equine monitoring system--1.0 FTE position.....		179,200

1	Regional clerical support--9.0 FTE positions.....	423,100
2	USDA data collection program--11.0 FTE positions.....	1,000,000
3	GROSS APPROPRIATION.....	\$ 3,212,400
4	Appropriated from:	
5	Federal revenues:	
6	DAG-SRS, Agricultural statistical reports.....	\$ 65,000
7	DAG-AMS, cooperative agreement.....	1,000,000
8	Special revenue funds:	
9	Horse racing revenues.....	179,200
10	Industry support funds.....	25,300
11	State general fund/general purpose.....	\$ 1,942,900
12	ADMINISTRATIVE SERVICES	
13	Full-time equated classified positions.....	71.0
14	Personnel--8.0 FTE positions.....	\$ 462,100
15	Financial Services--49.0 FTE positions.....	3,315,400
16	Automated services--10.0 FTE positions.....	910,200
17	Press and Public Affairs--4.0 FTE positions.....	362,500
18	GROSS APPROPRIATION.....	\$ 5,050,200
19	Appropriated from:	
20	Special revenue funds:	
21	Farm produce license and audit fees.....	61,500
22	Upper Peninsula state fair revenue.....	527,400
23	Horse racing revenues.....	958,300
24	State general fund/general purpose.....	\$ 3,503,000
25	DEPARTMENTAL OPERATIONS SUPPORT	
26	Rent.....	\$ 309,900
27	Property management charges.....	473,700
28	College work-study.....	5,400

1	Special maintenance.....	23,300
2	GROSS APPROPRIATION.....	\$ 812,300
3	Appropriated from:	
4	Special revenue funds:	
5	Private-college work study.....	\$ 5,400
6	Fruits and vegetable inspection fees.....	4,700
7	Horse racing revenues.....	80,100
8	State general fund/general purpose.....	\$ 722,100
9	PESTICIDE AND PLANT PEST MANAGEMENT	
10	Full-time equated classified positions.....	109.6
11	Administration--7.0 FTE positions.....	\$ 402,700
12	Apiary inspection program--3.0 FTE positions.....	205,900
13	Agricultural products quality assurance--17.9 FTE positions	995,000
14	Plant pest control--27.7 FTE positions.....	1,497,500
15	Pesticide certification and enforcement--43.7 FTE positions	2,639,700
16	Gypsy moth program--9.3 FTE positions.....	2,302,700
17	Michigan ornamental plant council.....	359,300
18	GROSS APPROPRIATION.....	\$ 8,402,800
19	Appropriated from:	
20	Federal revenues:	
21	DAG-FS, multiple grants.....	1,760,000
22	EPA-OE, Pesticides enforcement program grants.....	610,100
23	HHS-FDA.....	15,000
24	Special revenue funds:	
25	Horse racing revenues.....	110,900
26	Licensing and inspection fees.....	1,789,100
27	Apiary fees.....	45,900
28	State general fund/general purpose.....	\$ 4,071,800

1	ANIMAL INDUSTRY	
2	Full-time equated classified positions.....	29.0
3	Administration--5.0 FTE positions.....	\$ 294,100
4	Animal health and welfare--24.0 FTE positions.....	1,481,000
5	GROSS APPROPRIATION.....	\$ 1,775,100
6	Appropriated from:	
7	Federal revenues:	
8	DAG-VS pseudorabies.....	130,000
9	Special revenue funds:	
10	Horse racing revenues.....	254,500
11	Licensing and inspection fees.....	202,700
12	State general fund/general purpose.....	\$ 1,187,900
13	DAIRY PRODUCTS	
14	FTE's classified.....	43.0
15	Dairy products quality assurance--43.0 FTE positions.....	\$ 2,797,500
16	GROSS APPROPRIATION.....	\$ 2,797,500
17	Appropriated from:	
18	Special revenue funds:	
19	Horse racing revenues.....	101,200
20	Licensing and inspection fees.....	64,400
21	State general fund/general purpose.....	\$ 2,631,900
22	FOOD AND CONSUMER PROTECTION	
23	Full-time equated classified positions.....	104.0
24	Administration--4.0 FTE positions.....	\$ 254,000
25	Food product quality assurance--64.0 FTE positions.....	3,712,600
26	Motor fuels quality program--8.0 FTE positions.....	498,500
27	Weights and measures program--27.0 FTE positions.....	1,412,900
28	Farm produce enforcement program--1.0 FTE position.....	63,100

1	GROSS APPROPRIATION.....	\$ 5,941,100
2	Appropriated from:	
3	Federal revenues:	
4	HHS-FDA.....	180,000
5	Special revenue funds:	
6	Weights and measures regulation fees.....	84,200
7	Food handler licensing fees.....	568,300
8	Motor fuel quality license fees.....	441,800
9	Farm produce license and audit fees.....	40,700
10	State general fund/general purpose.....	\$ 4,626,100
11	LABORATORY SUPPORT	
12	Full-time equated classified positions.....	89.5
13	Administration--6.0 FTE positions.....	\$ 357,800
14	Equine drug testing--9.5 FTE positions.....	709,000
15	Laboratory support services--74.0 FTE positions.....	4,438,700
16	GROSS APPROPRIATION.....	\$ 5,505,500
17	Appropriated from:	
18	Interdepartmental grant revenues:	
19	IDG from Commerce (LCC)-liquor quality testing fees.....	207,300
20	Federal revenues:	
21	DAG-APHIS, Plant and animal disease and pest control.....	29,000
22	Special revenue funds:	
23	Horse racing revenues.....	709,000
24	Motor fuel quality license fees.....	772,600
25	Testing fees.....	238,400
26	State general fund/general purpose.....	\$ 3,549,200
27	ENVIRONMENTAL PROTECTION	
28	Full-time equated classified positions.....	20.0

1	Soil and water conservation--20.0 FTE positions.....	\$ 1,377,300
2	GROSS APPROPRIATION.....	\$ 1,377,300
3	Appropriated from:	
4	Federal revenues:	
5	EPA-OWWM, Water pollution control, lake restoration	
6	cooperative agreements.....	60,000
7	Private-oil company overcharge settlement.....	66,000
8	State general fund/general purpose.....	\$ 1,251,300
9	MARKETING AND MARKET DEVELOPMENT	
10	Full-time classified positions.....	38.0
11	Marketing and market development--6.0 FTE positions.....	\$ 1,073,500
12	Fruit and vegetable quality control--32.0 FTE positions....	1,549,900
13	GROSS APPROPRIATION.....	\$ 2,623,400
14	Appropriated from:	
15	Interdepartmental grant revenues:	
16	IDG from commerce (LCC)-nonretail liquor licensee fee.....	408,100
17	Special revenue funds:	
18	Industry support funds.....	5,000
19	Federal revenues:	
20	DAG-AMS, cooperative agreement.....	15,800
21	Fruits and vegetable inspection fees.....	674,300
22	Bean inspection fees.....	52,400
23	State general fund/general purpose.....	\$ 1,467,800
24	OFFICE OF RACING COMMISSIONER	
25	Full-time equated unclassified positions.....	3.0
26	Full-time equated classified positions.....	42.7
27	Commissioner.....	\$ 62,100
28	Deputy commissioners (2).....	110,000

1	Licensing and regulation--42.7 FTE positions.....	2,801,800
2	Affirmative action--0.0 FTE position.....	2,200
3	Promotion.....	400,000
4	GROSS APPROPRIATION.....	\$ 3,376,100
5	Appropriated from:	
6	Special revenue funds:	
7	Horse racing revenues.....	3,376,100
8	State general fund/general purpose.....	\$ 0
9	GRANTS	
10	Grant to Southwestern Michigan tourist council-taste of	
11	Michigan.....	\$ 63,600
12	Grants to local soil conservation districts/clean water	
13	incentive program.....	1,136,300
14	Northwest Michigan horticultural research station.....	44,000
15	Energy conservation program.....	877,900
16	County fair programs.....	4,086,500
17	Thoroughbred programs.....	1,971,700
18	Standardbred programs.....	2,136,100
19	Appaloosa/Arabian/Quarterhorse programs.....	45,000
20	GROSS APPROPRIATION.....	\$ 10,361,100
21	Appropriated from:	
22	Special revenue funds:	
23	Private-oil company overcharge settlement.....	\$ 877,900
24	Horse racing revenues.....	8,239,300
25	State general fund/general purpose.....	\$ 1,243,900
26	GENERAL SECTIONS	
27	Sec. 201. (1) In accordance with the provisions of section 30 of article	
28	IX of the state constitution of 1963, total state spending in this	

1 appropriation act is \$45,805,200.00 and state appropriations to be paid
2 to local units of government in section 101 are as follows:

3 DEPARTMENT OF AGRICULTURE

4 Grants to soil conservation districts.....\$ 1,136,300

5 TOTAL.....\$ 1,136,300

6 (2) When it appears to the principal executive officer of each department
7 that state spending to local units of government will be less than the
8 amount that was projected to be expended for any quarter, the principal
9 executive officer shall immediately give notice of the approximate shortfall
10 to the department of management and budget, the senate and house
11 appropriations committees, and the senate and house fiscal agencies.

12 Sec. 202. The appropriations made and the expenditures authorized
13 under this act and the departments, agencies, commissions, boards, offices,
14 and programs for which an appropriation is made under this act are subject
15 to the management and budget act, Act No. 431 of the Public Acts of 1984,
16 being sections 18.1101 to 18.1594 of the Michigan Compiled Laws.

17 Sec. 203. As used in this act:

18 (a) "Department" means the department of agriculture.

19 (b) "Director" means the director of the department.

20 (c) "DAG-AMS" means the United States department of
21 agriculture-agriculture marketing service.

22 (d) "DAG-APHIS" means the United States department of agriculture-animal
23 plant health inspection service.

24 (e) "DAG-FS" means the United States department of agriculture-forest
25 service.

26 (f) "DAG-NASS" means the United States department of
27 agriculture-national agricultural statistics.

28 (g) "DAG-VS" means the United States department of
29 agriculture-veterinary science.

1 (h) "EPA-OPP" means the United States environmental protection
2 agency-office of pesticide programs.

3 (i) "EPA-OWWM" means the United States environmental protection
4 agency-office of water and waste management.

5 (j) "FTE" means full-time equated.

6 (k) "HHS-FDA" means the United States department of health and human
7 services-food and drug administration.

8 (l) "IDG" means interdepartmental grant.

9 (m) "IDT" means intradepartmental transfer.

10 Sec. 204. The department may receive and expend funds in addition
11 to those authorized in section 101 for conducting training and orientation
12 workshops and seminars that are consistent with the programmatic mission
13 of the individual unit sponsoring or coordinating the program. Not later
14 than January 2, 1992, the department shall provide the senate and house
15 appropriations subcommittees and the senate and house fiscal agencies with
16 a report indicating the program, number of participants, costs incurred,
17 and income received for the previous fiscal year.

18 Sec. 205. (1) The unexpended and unobligated balance of any state
19 restricted fund or account remaining at the end of the fiscal year shall
20 revert back to the state restricted fund or account from which appropriated
21 and be available for reappropriation for the next fiscal year. Appropriations
22 which revert to a state restricted fund or account pursuant to this section
23 shall not revert to the general fund of the state.

24 (2) A state restricted revenue fund or account which receives revenues
25 in excess of appropriations made from that state restricted revenue fund
26 or account shall not have the excess revenue revert to the general fund
27 of the state.

28 Sec. 206. (1) It is the intent of the legislature that the funds

1 appropriated in section 101 will permit the department to carry out
2 each program for the entire fiscal year, unless a shorter period is
3 provided in law.

4 (2) The department shall not make or authorize an expenditure
5 or incur an obligation that exceeds or results in spending that will
6 exceed the amount appropriated in section 101 or as otherwise provided
7 by law.

8 (3) In consultation with the department of management and budget,
9 the department shall, for each appropriation, develop a spending plan
10 allotting the amount appropriated over the full 12 months of the 1991-
11 1992 fiscal year.

12 (4) The department director shall advise the director of the
13 department of management and budget if an appropriation in section
14 101 or otherwise provided by law will not permit that department to
15 carry out the program specified by line item mandated by the
16 legislature for the entire fiscal year. The department director shall
17 consider both the amount appropriated for each line item and the
18 sufficiency of projected sources of financing when deciding whether
19 the appropriation will last the entire fiscal year. If the director
20 of the department of management and budget concurs with the projections
21 of that department, the director shall advise the chairpersons of
22 the senate and house appropriations committees, and the chairpersons
23 of the appropriate appropriations subcommittees that an amount
24 appropriated in section 101 or as otherwise provided by law will not
25 permit that department to carry out the program mandated by the
26 legislature for the entire fiscal year.

(5) If both the appropriations committees disagree with the conclusion of the director within 10 days, the house fiscal agency and senate fiscal agency shall immediately publish estimates of whether the amount appropriated, including all sources of financing assumed in the appropriation, will permit that department to carry out the program mandated by the legislature for the entire fiscal year.

(6) If the legislature does not act within 30 days after the notice from the director provided in subsection (4) to reduce the mandated level of service, authorize the program to end before the fiscal year is completed, or increase the amount of the appropriation, that department shall reduce the rate of spending in order to carry out the legislature's intent that the program be carried out for the full fiscal year.

EXECUTIVE

Sec. 301. The appropriations in section 101 may be used for per diem payments to members of boards, committees, and commissions for a full day's board, committee, or commission work at which a quorum is present; for attending a hearing as authorized by the respective board, committee, or commission; or for performing official business as authorized by the respective board, committee, or commission. The per diem payments shall be at a rate as follows:

- (a) Commission of agriculture..... \$75.00 per day
- (b) Soil conservation committee..... \$35.00 per day
- (c) Upper Peninsula state fair board..... \$50.00 per day
- (d) Agricultural marketing and bargaining board... \$35.00 per day

Sec. 302. The department may charge fees for publications and

1 to use those fees to cover necessary expenses.

2 ADMINISTRATIVE SERVICES

3 Sec. 401. The department may collect revenues and fees for audit
4 and licensing functions and may use these fees for necessary expenses.

5 Sec. 402. The department may collect fees to conduct livestock
6 sales at the Upper Peninsula state fairgrounds and use the fees for
7 necessary expenses related to the livestock sales.

8 PESTICIDE AND PLANT PEST MANAGEMENT

9 Sec. 501. The department may charge a fee for propagating and
10 certifying virus free foundation stock.

11 FOOD AND CONSUMER PROTECTION

12 Sec. 601. The department may collect fees and fines and may use
13 these funds to administer the gasoline inspection and testing program
14 in accordance with the motor fuels quality act, Act No. 44 of the
15 Public Acts of 1984, being sections 290.641 to 290.650 of the Michigan
16 Compiled Laws.

17 Sec. 602. The department may provide bean inspection and grading
18 services and use the revenues received from these services for
19 necessary expenses.

20 Sec. 603. The department may use all the inspection fees collected
21 from the inspection of fruits and vegetables at shipping and
22 termination points and processing plants to pay necessary expenses
23 related to the inspections.

24 LABORATORY SUPPORT

25 Sec. 701. The amount appropriated in section 101 for equine drug
26 testing includes sufficient funds to test horses entered in draft

1 horse pulling contests at county fairs when local jurisdictions request
2 state assistance.

3 Sec. 702. The department may conduct analyses to determine the
4 presence of foreign substances in horses engaged in racing or pulling
5 contests at tracks. A fee shall be charged to reimburse the department
6 for the costs of the analyses.

7 Sec. 703. The department may conduct analyses of food, livestock
8 and agricultural products for diseases, toxic materials, foreign
9 substances, and quality standards. A fee may be charged to reimburse
10 the department for costs of the analyses.

11 Sec. 704. The department may conduct analyses of liming samples
12 and charge a fee for the service.

13 Sec. 705. The department may make regulatory and service tests
14 of feed and fertilizer samples and charge a fee sufficient to cover
15 the costs of these tests.

16 Sec. 706. The department may test samples for other agencies
17 and organizations and charge a fee for the services. The fees shall
18 be used to cover necessary costs and shall be interaccounted.

19 OFFICE OF RACING COMMISSIONER

20 Sec. 801. Included in section 101 is an amount not to exceed
21 \$400,000.00 for promotion of attendance at pari-mutuel horse racing.
22 The state funds shall be matched before expenditure such that each
23 \$2.00 of state funds is matched by \$1.00 of private industry funds.
24 A race meeting licensee or an association of thoroughbred and harness
25 racetracks or any horsemen's group may submit a plan and proposal
26 to the racing commissioner for use of funds authorized to be expended

1 for promotion of attendance at pari-mutuel horse racing. A plan shall
2 be submitted by the commissioner to the chairpersons of the senate
3 and house subcommittees on agriculture at least 30 days before the
4 funds may be expended. Each licensee or association of thoroughbred
5 and harness racetracks or horsemen's group shall be eligible for
6 promotional funds. All unexpended funds shall lapse to the state
7 general fund.

8 Sec. 901. The department may carry forward unexpended appropriated
9 funds from the thoroughbred and standardbred sire stakes programs
10 pursuant to section 13(9) and (10) of the racing law of 1980, Act
11 No. 327 of the Public Acts of 1980, being section 431.73 of the
12 Michigan Compiled Laws, for the purposes of reimbursement of sire
13 stakes purses for Michigan bred 2- and 3-year-old horse races held
14 in the following fiscal year.