



HOUSE BILL No. 5254

EXECUTIVE BUDGET BILL

December 23, 1993, Introduced by Reps. Bobier, McBryde, Middleton, Allen, Oxender, Stille and Gilmer and referred to the Committee on Appropriations.

A bill to make appropriations for the department of agriculture for the fiscal year ending September 30, 1995; 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, 1995, from the funds
3 identified as follows:

1 DEPARTMENT OF AGRICULTURE

2 APPROPRIATIONS SUMMARY:

3	Full-time equated unclassified positions . . .	6.0	
4	Full-time equated classified positions . . .	576.5	
5	GROSS APPROPRIATION		\$ 59,193,100
6	Total interdepartmental grants and		
7	intradepartmental transfers		558,600
8	ADJUSTED GROSS APPROPRIATION		\$ 58,634,500
9	Federal revenues:		
10	Total federal revenues		4,555,100
11	Special revenue funds:		
12	Total local revenues		0
13	Total private revenues		470,400
14	Total other state restricted revenues		12,116,100
15	State general fund/general purpose		\$ 41,492,900
16	EXECUTIVE		
17	Full-time equated unclassified positions . . .	6.0	
18	Full-time equated classified positions . . .	26.5	
19	Commissions and boards		\$ 48,500
20	Director		87,300
21	Unclassified positions		331,600
22	Affirmative action-2.0 FTE positions		184,200
23	Executive direction-8.5 FTE positions		867,200
24	Michigan agricultural statistics service		
25	-5.0 FTE positions		413,300
26	U.S.D.A. data collection program-		
27	11.0 FTE positions		<u>1,076,700</u>
28	GROSS APPROPRIATION		\$ 3,008,800

1	Appropriated from:	
2	Federal revenues:	
3	DAG-AMS, cooperative agreement	1,050,000
4	Special revenue funds:	
5	Industry support funds	25,800
6	State general fund/general purpose	\$ 1,933,000
7	ADMINISTRATIVE SERVICES	
8	Full-time equated classified positions . . .	75.0
9	Personnel-7.0 FTE positions	\$ 490,500
10	Financial services-37.0 FTE positions	2,535,100
11	Upper peninsula state fair-8.0 FTE positions . .	942,000
12	Automated services-10.0 FTE positions	935,800
13	Press and public affairs-5.0 FTE positions . . .	451,400
14	Property management charges	570,700
15	Regional clerical support-8.0 FTE positions . .	446,500
16	Rent	<u>245,200</u>
17	GROSS APPROPRIATION	\$ 6,617,200
18	Appropriated from:	
19	Special revenue funds:	
20	Farm produce license and audit fees	63,200
21	Gasoline inspection and testing fund	3,000
22	Upper Peninsula state fair revenue	713,900
23	State general fund/general purpose	\$ 5,837,100
24	PESTICIDE AND PLANT PEST MANAGEMENT	
25	Full-time equated classified positions . . .	110.3
26	Administration-5.0 FTE positions	\$ 311,100
27	Apiary inspection program	69,400
28	Agricultural products quality assurance-	

1	17.9 FTE positions	1,129,600
2	Plant pest control-25.3 FTE positions	1,777,800
3	Pesticide certification and enforcement-	
4	42.8 FTE positions	3,346,200
5	Gypsy moth program-9.3 FTE positions	2,371,600
6	Groundwater and freshwater protection	
7	program - 10.0 FTE's	<u>2,519,900</u>
8	GROSS APPROPRIATION	\$ 11,525,600
9	Appropriated from:	
10	Federal revenues:	
11	DAG-APHIS, plant and animal disease and pest control	35,000
12	DAG-FS, multiple grants	1,776,300
13	EPA-OE, pesticides enforcement program grants .	723,300
14	EPA-RCRA	150,000
15	HHS-FDA	15,600
16	Special revenue funds:	
17	Licensing and inspection fees	1,862,000
18	Groundwater and freshwater protection	
19	fund	2,519,900
20	State general fund/general purpose	\$ 4,443,500
21	ANIMAL INDUSTRY	
22	Full-time equated classified positions . . . 28.0	
23	Administration-3.0 FTE positions	\$ 322,600
24	Animal health and welfare-25.0 FTE positions . .	1,510,300
25	Equine monitoring system	<u>87,200</u>
26	GROSS APPROPRIATION	\$ 1,920,100
27	Appropriated from:	
28	Special revenue funds:	

1	Licensing and inspection fees	5,200
2	pseudorabies and swine brucellosis fund	88,700
3	State general fund/general purpose	\$ 1,826,200
4	DAIRY PRODUCTS	
5	Full-time equated classified positions	42.0
6	Dairy products quality assurance-	
7	42.0 FTE positions	\$ <u>3,132,900</u>
8	GROSS APPROPRIATION	\$ 3,132,900
9	Appropriated from:	
10	Federal revenues:	
11	DAG-AMS, cooperative agreement	22,900
12	Special revenue funds:	
13	Licensing and inspection fees	73,600
14	State general fund/general purpose	\$ 3,036,400
15	FOOD AND CONSUMER PROTECTION	
16	Full-time equated classified positions	106.5
17	Administration-3.0 FTE positions	\$ 229,100
18	Food product quality assurance-64.0 FTE positions	4,119,600
19	Motor fuels quality program-13.5 FTE positions	727,800
20	Weights and measures program-25.0 FTE positions	1,568,400
21	Farm produce enforcement program-	
22	1.0 FTE position	<u>69,600</u>
23	GROSS APPROPRIATION	\$ 6,714,500
24	Appropriated from:	
25	Federal revenues:	
26	HHS-FDA	186,800
27	Special revenue funds:	
28	Weights and measures regulation fees	128,700

1	Food handler licensing fees	1,089,400
2	Gasoline inspection and testing fund	626,000
3	Farm produce license and audit fees	42,100
4	Civil penalties	25,900
5	Licensing and inspection fees	7,300
6	State general fund/general purpose	\$ 4,608,300
7	LABORATORY SUPPORT	
8	Full-time equated classified positions	84.5
9	Administration-5.0 FTE positions	\$ 478,900
10	Equine drug testing-8.5 FTE positions	723,600
11	Laboratory support services-71.0 FTE positions	<u>4,572,100</u>
12	GROSS APPROPRIATION	\$ 5,774,600
13	Appropriated from:	
14	Interdepartmental grant revenues:	
15	IDG from Commerce (LCC)-liquor quality testing	
16	fees	146,500
17	Federal revenues:	
18	DAG-APHIS, plant and animal disease and pest	
19	control	21,000
20	Special revenue funds:	
21	Gasoline inspection and testing fund	804,900
22	Pseudorabies and swine brucellosis fund	58,700
23	Testing fees	168,100
24	State general fund/general purpose	\$ 4,575,400
25	ENVIRONMENTAL PROTECTION	
26	Full-time equated classified positions	24.0
27	Soil and water conservation-24.0 FTE positions	\$ <u>1,762,200</u>
28	GROSS APPROPRIATION	\$ 1,762,200

1	Appropriated from:	
2	Federal revenues:	
3	EPA-OWWM, water pollution control, lake	
4	restoration cooperative agreements	239,200
5	Special revenue funds:	
6	Private-oil company overcharge settlement . . .	50,000
7	State general fund/general purpose	\$ 1,473,000
8	MARKETING AND MARKET DEVELOPMENT	
9	Full-time equated classified positions . . .	38.0
10	Marketing and market development-	
11	7.0 FTE positions	\$ 1,189,700
12	Fruit and vegetable quality control-	
13	31.0 FTE positions	<u>1,476,800</u>
14	GROSS APPROPRIATION	\$ 2,666,500
15	Appropriated from:	
16	Interdepartmental grant revenues:	
17	IDG from Commerce (LCC)-nonretail liquor	
18	license fees	412,100
19	Federal revenues:	
20	USDA-ERS-ARED	125,000
21	Special revenue funds:	
22	Bean inspection fees	77,000
23	Fruits and vegetable inspection fees	712,600
24	Industry support funds	50,500
25	State general fund/general purpose	\$ 1,289,300
26	OFFICE OF RACING COMMISSIONER	
27	Full-time equated classified positions . . .	41.7
28	Licensing and regulation-39.7 FTE positions . .	\$ 2,957,900

1	Native American casino regulation program-	
2	2.0 FTE positions	204,400
3	Promotion	<u>180,000</u>
4	GROSS APPROPRIATION	\$ 3,342,300
5	Appropriated from:	
6	Special revenue funds:	
7	Private-casino gambling agreement	204,400
8	State general fund/general purpose	\$ 3,137,900
9	GRANTS	
10	Grant to Southwestern Michigan tourist council -	
11	taste of Michigan	\$ 60,400
12	Food bank	500,000
13	Future farmers of America	28,500
14	Grants to local soil conservation districts/	
15	clean water incentive program	1,000,000
16	Energy conservation program/local soil	
17	conservation districts	216,000
18	Michigan State University	210,000
19	Purses and supplements-fairs	2,412,500
20	Standardbred purses and supplements-	
21	licensed tracks	254,000
22	Standardbred Michigan futurity	67,000
23	Standardbred fedele fauri futurity	67,000
24	Standardbred breeders' awards	1,044,800
25	Premiums-county and state fairs	1,279,300
26	Building and track improvement-county	
27	and state fairs	467,000
28	Standardbred training and stabling	24,200

1	Thoroughbred program	1,716,000
2	Standardbred sire stakes program	800,000
3	Northwest Michigan horticultural research station	41,800
4	Thoroughbred sire stakes program	424,000
5	Great Lakes draft horse show	78,800
6	Water wonderland breeder awards	157,500
7	Appaloosa/Arabian/quarterhorse programs	50,000
8	Licensed tracks-light horse racing	84,000
9	Grants to cities with racetracks	<u>1,745,600</u>
10	GROSS APPROPRIATION	\$ 12,728,400

11 Appropriated from:

12 Federal revenues:

13	EPA-OE, pesticides enforcement program grants	210,000
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14 Special revenue funds:

15	Private-oil company overcharge settlement	216,000
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16	Horse racing revenues	2,969,600
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17	State general fund/general purpose	\$ 9,332,800
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18 GENERAL SECTIONS

19 Sec. 201. (1) In accordance with the provisions of section 30 of
20 article IX of the state constitution of 1963, total state spending in
21 this bill is \$53,609,000 and state spending to units of local
22 government is as follows:

23 DEPARTMENT OF AGRICULTURE

24	Grants to soil conservation districts	\$ 1,000,000
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25	Grants to cities with racetracks	1,745,600
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26	TOTAL	\$ 2,745,600
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27 (2) When it appears to the director of the department that state
28 spending to local units of government will be less than the amount

1 that was projected to be expended for any quarter, the director shall
2 immediately give notice of the approximate shortfall to the department
3 of management and budget, the senate and house appropriations
4 committees, and the senate and house fiscal agencies.

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

11 Sec. 203. The amounts appropriated for utilities and that portion
12 of contractual services, supplies, and materials used to pay for
13 utility service to state facilities in section 101 may be expended in
14 a manner consistent with the provisions of section 253 of the
15 management and budget act, Act 431 of the Public Acts of 1984, being
16 section 18.1253 of the Michigan Compiled Laws.

17 Sec. 204. 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
23 agriculture-animal plant health inspection service.

24 (e) "DAG-ERS-ARED" means the United States department of
25 agriculture-economic research service-agriculture and rural economy
26 division.

27 (f) "DAG-FS" means the United States department of
28 agriculture-forest service.

(g) "DAG-SRS" means the United States department of agriculture-statistical reporting service.

(h) "EPA-OE" means the United States environmental protection agency-office of enforcement.

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

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

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

(l) "IDG" means interdepartmental grant.

Sec. 205. (1) Beginning October 1, 1994, there shall be a hiring freeze imposed on the state classified civil service. State departments and agencies shall be prohibited from hiring any new full-time state classified civil service employees and prohibited from filling any vacant state classified civil service positions. This hiring freeze does not apply to internal transfers from one position to another within a department or to positions that are funded 80% or more from federal or restricted funds.

(2) The director of the department of management and budget shall grant exceptions to this hiring freeze when the director believes that such a hiring freeze will result in rendering a state department or agency unable to deliver basic services. The director of the department of management and budget shall report by the fifteenth of each month to the chairpersons of the senate and house appropriations committees the number of exclusions to the hiring freeze approved during the previous month and the reasons to justify the exclusion.

Sec. 206. In addition to the funds appropriated in section 101, there is hereby appropriated such federal, local or private funds as

1 the department may be eligible to receive up to a total of
2 \$2,000,000.00. These funds shall not be available for expenditure
3 unless transferred to a line item in this act in compliance with the
4 applicable provisions of section 393 of the management and budget act,
5 Act 431 of the Public Acts of 1984, being section 18.1393 of the
6 Michigan Compiled Laws.

7 Sec. 207. Of the funds appropriated in section 101 which are in
8 units other than the grants unit, the department shall not provide
9 grants to local government agencies, institutions of higher education,
10 or nonprofit organizations unless the department provides notice of
11 the grant to the senate and house appropriations subcommittees on
12 agriculture at least 10 days before the grant is issued. The grants
13 shall be used to support research or other related activities for the
14 purpose of enhancing the agricultural industries in this state.

15 Sec. 208. From the funds appropriated in Section 101, the
16 department may make grants in support of the Michigan neighborhood
17 partnership to non-profit organizations for purposes consistent with
18 the purposes of the line-item appropriation from which the grant is
19 made. The total of such grants made by the department may not exceed
20 \$50,000.00.

21 **EXECUTIVE**

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

(a) Commission of agriculture \$ 75.00 per day

(b) Upper Peninsula state fair board \$ 50.00 per day

(c) Agricultural marketing and bargaining board \$35.00 per day

Sec. 302. The department may receive and expend revenue and use

that revenue to cover necessary expenses related to publications,

audit and licensing functions, livestock sales, certification of

nursery stock, fruit, vegetable and bean inspection services, and

laboratory analyses as specified in the following:

(a) Management services publications.

(b) Management services audit and licensing functions.

(c) Upper Peninsula state fair livestock sales,

(d) Pesticide and plant pest management propagation and

certification of virus free foundation stock.

(e) Marketing and market development protection bean inspection

and grading services.

(f) Laboratory support testing for testing horses in draft horse

pulling contests at county fairs when local jurisdictions request

state assistance.

(g) Laboratory support analyses to determine foreign substances in

horses engaged in racing or pulling contests at tracks.

(h) Laboratory support analysis of food, livestock, and

agricultural products for disease, toxic materials, foreign products

for disease, foreign substances, and quality standards.

(i) Laboratory support analysis of liming samples.

(j) Laboratory support analysis of feed and fertilizer samples.

(k) Laboratory support test samples for other agencies and

organizations.

(l) Fruit and vegetable inspection at shipping and termination

1 points and processing plants.

2 Sec. 303. Of the funds appropriated in section 101 for statistical
3 reporting service, \$120,000.00 shall be used for crop surveys of
4 fruit, vegetables, and nursery stock, including Christmas trees and
5 ornamental plants. It is the intent of the legislature that the survey
6 shall be an ongoing rotational survey of these commodity groups. The
7 survey shall begin with fruit in the first year, vegetables in the
8 second year, and nursery stock in the third year. The rotational cycle
9 of the survey shall continue in the fourth and subsequent years. The
10 survey shall include existing plantings/acreage, new
11 plantings/acreage, production, and number of growers.

12 **PESTICIDE AND PLANT PEST MANAGEMENT**

13 Sec. 401. Of the funds appropriated in section 101 to the
14 pesticide and plant pest management division, up to \$100,000.00 may be
15 made available to the Michigan cooperative extension service for the
16 purpose of training of applicators. Reimbursement shall be based on
17 actual expenditures and revenue availability.

18 Sec. 402. (1) From the amount appropriated in section 101 for the
19 gypsy moth program, \$100,000.00 shall be allocated to Michigan State
20 University for a gypsy moth education program.

21 (2) Any unexpended balance which is allocated pursuant to this
22 section shall be carried forward as a work project. The project shall
23 provide public information regarding gypsy moth infestation. The
24 project shall be managed by Michigan State University through a
25 \$100,000.00 contract which shall be completed by September 30, 1996
26 for fiscal year 1994-1995.

27 **FOOD AND CONSUMER PROTECTION**

28 Section 501. (1) In addition to amounts appropriated by section

1 101, there is appropriated from the gasoline inspection and testing
2 fund established by P.A. 44, P.A. of 1984, as amended, by P.A. 236 of
3 1993 any amounts collected which shall be used to pay for services and
4 requirements associated with regulating stage I and stage II vapor
5 recovery systems in the state in accordance with the provisions of the
6 act.

7 (2) In addition to amounts appropriated by subsection (1), the
8 department of agriculture may also receive and expend amounts for
9 services and requirements associated with regulating Stage I and/or
10 Stage II vapor recovery systems from motor vehicle emissions testing
11 program funds and motor vehicle emissions inspection and maintenance
12 program funds transferred from the department of transportation in
13 accordance with provisions of P.A. 232 and P.A. 234, P.A.'s of 1993,

14 (3) Funds appropriated pursuant to subsection (1) and transferred
15 pursuant to subsection (2) may only be used to administer plans in
16 conformance with requirements of the U.S. Environmental Protection
17 Agency.

18 **MARKETING AND MARKET DEVELOPMENT**

19 Sec. 601. Within the appropriations in section 101 for marketing
20 and market development \$412,100.00 is for the grape and wine industry
21 council, from which the department may provide grants for the purposes
22 as described in section 16b of the Michigan liquor control act, Act
23 No. 8 of the Public Acts of the Extra Session of 1933, being section
24 436.16b of the Michigan Compiled Laws.

25 **OFFICE OF RACING COMMISSIONER**

26 Sec. 701. The racing commissioner may pay rewards of not more than
27 \$5,800.00 to a person who provides information which results in the
28 arrest and conviction on a felony or misdemeanor charge for a crime

1 which involves the horse racing industry. A reward paid pursuant to
2 this section shall be paid out of the licensing and regulation line
3 item.

4 Sec. 702. Included in section 101 is an amount not to exceed
5 \$180,000.00 for promotion of attendance at pari-mutuel horse racing.
6 The state funds shall be matched before expenditure such that each
7 \$2.00 of state funds is matched by \$1.00 of private industry funds. A
8 race meeting licensee or an association of thoroughbred and harness
9 racetracks or any horsemen's group may submit a plan and proposal to
10 the racing commissioner for use of funds authorized to be expended for
11 promotion of attendance at pari-mutuel horse racing. A plan shall be
12 submitted by the commissioner to the chairpersons of the senate and
13 house subcommittees on agriculture at least 30 days before the funds
14 may be expended. Each licensee or association of thoroughbred and
15 harness racetracks or horsemen's group shall be eligible for
16 promotional funds.

17 **GRANTS**

18 Sec. 801. Of the \$78,800.00 appropriated in section 101 for the
19 Great Lakes draft horse show, \$28,300.00 shall be made available for
20 the Michigan dynamometers association, \$46,700.00 shall be made
21 available for the Michigan draft horse breeders association, and
22 \$3,800.00 shall be used for advertisement and promotion of an annual
23 Great Lakes international draft horse show.

24 Sec. 802. The independent audits of local units of government, as
25 required by the uniform budgeting and accounting act, Act No. 2 of the
26 Public Acts of 1968, being sections 141.421 to 141.440a of the
27 Michigan Compiled Laws, shall include an examination to determine the
28 accuracy of reports submitted in compliance with section 14 of Act No.

1 327 of the Public Acts of 1980, being section 431.74 of the Michigan
2 Compiled Laws.

3 Sec. 803. Of the \$157,500.00 appropriated in section 101 for water
4 wonderland breeder awards, not more than 2% of the amount appropriated
5 may be used for administrative expenses required to manage the
6 program, the remainder shall be expended for premiums, judges, ribbons
7 and trophies, promotion, and to send state champions to national
8 shows. Large breeds receiving over \$8,000.00 may use up to 20% for a
9 show held separate from county or state fairs.

10 Sec. 804. A county fair, district fair, 4-H fair, or state fair
11 receiving funds under this act to be used for prizes or awards, in
12 whole or in part, as a condition precedent to the receiving of the
13 funds for those purposes, shall publish the rules relative to the
14 prizes, awards, and deadlines for entries eligible for the funds in
15 their official premium books or lists relative to the prizes or
16 awards. An aggrieved exhibitor may make a written complaint to the
17 fair within 10 days after the fair ends. If the fair has not
18 satisfactorily settled the grievance within 45 days after it is
19 submitted to the fair, the aggrieved person may file the complaint
20 with the department and the department shall investigate the complaint
21 and make a finding of fact regarding the complaint and take
22 appropriate action regarding the complaint.

23 Sec. 805. (1) The appropriation of \$254,000.00 in section 101 for
24 purses and supplements - licensed tracks is intended to provide state
25 purse supplements for 4 races at state licensed pari-mutuel horse
26 racing tracks. The purse supplements are to be used for races
27 comprised only of Michigan bred horses segregated into a 4-year-old
28 colt trot division, a 4-year-old filly trot division, a 4-year-old

1 colt pace division, and a 4-year-old filly pace division.

2 (2) The appropriation in section 101 for licensed tracks - light
3 horse racing shall be allocated as follows:

4 Arabian and Appaloosa horse racing \$ 20,900

5 Quarter horse racing \$ 63,100

6 (3) The allocations made pursuant to this section shall be
7 considered allocations for work projects and the unexpended balances
8 shall be carried forward and shall not lapse until expended.

9 Sec. 806. Of the amount appropriated in section 101 for purses and
10 supplements-fairs, a sufficient amount is appropriated to provide for
11 overnight purse supplements at a maximum supplement of \$1,000.00 per
12 overnight race.

13 Sec. 807. Of the amount appropriated in section 101 for premiums,
14 \$11,400.00 shall be expended as a grant for the Michigan horse show
15 association-fall youth show at the Michigan exposition and
16 fairgrounds.

17 Sec. 808. Included in the appropriation made in section 101 for
18 the thoroughbred program is \$30,500.00 for the Michigan united
19 thoroughbred breeders and owners association to conduct a thoroughbred
20 yearling show. The Michigan united thoroughbred breeders and owners
21 association shall submit to the department an itemized list of
22 expenses showing that the expenses of the yearling show were paid.

23 Sec. 809. Of the horse race revenues collected for fiscal year
24 1994-1995 for grants to cities with racetracks \$1,633,200 shall be
25 appropriated to the general fund of the state.

26 Sec. 810. In any given year when insufficient amounts of Michigan
27 surplus products are offered to the food bank council and accepted for
28 distribution, unused funds may be applied by the food bank council for

1 the direct purchase of foods from Michigan growers, manufacturers
2 and/or wholesalers.

3 Sec. 811. The amount appropriated in section 101 for grants to
4 local soil conservation districts shall be used for providing
5 financial assistance to all soil conservation districts in order to
6 permit the districts to engage in programs that conserve soil
7 resources and prevent and control soil erosion. All grants to local
8 soil conservation districts shall be allocated according to a formula
9 approved by the commission of agriculture. Any soil conservation
10 district that allows payment for expenses to the district associate
11 directors shall be considered ineligible to receive grant money.

12 Sec. 812. Indirect costs may not be charged against the grant in
13 section 101 to the future farmers of America by any administering
14 agency.