

# FY 2014-15: DEPARTMENT OF AGRICULTURE AND RURAL DEVELOPMENT



## Summary: As Reported by the Conference Committee Senate Bill 760 (S-1) CR-1\*

Analyst: Paul Holland

	FY 2013-14 YTD as of 2/5/14	FY 2014-15 Executive	FY 2014-15 House	FY 2014-15 Senate	FY 2014-15 Conference	Difference: Conference From FY 2013-14 YTD	
						Amount	%
<b>IDG/IDT</b>	\$524,300	\$318,100	\$318,100	\$318,100	\$318,100	(\$206,200)	(39.3)
<b>Federal</b>	9,960,900	9,198,300	9,212,900	9,212,900	10,126,200	165,300	1.7
<b>Local</b>	0	0	0	0	0	0	--
<b>Private</b>	96,900	98,300	98,300	98,300	98,300	1,400	1.4
<b>Restricted</b>	29,020,900	28,003,400	29,893,200	24,091,400	28,003,400	(1,017,500)	(3.5)
<b>GF/GP</b>	40,580,300	44,876,200	42,876,100	48,876,200	45,916,200	5,335,900	13.1
<b>Gross</b>	<b>\$80,183,300</b>	<b>\$82,494,300</b>	<b>\$82,398,600</b>	<b>\$82,596,900</b>	<b>\$84,462,200</b>	<b>\$4,278,900</b>	<b>5.3</b>
<b>FTEs</b>	440.0	452.0	446.0	453.0	452.0	12.0	2.7

Notes: (1) FY 2013-14 year-to-date figures include mid-year budget adjustments through February 5, 2014. (2) Executive figures do not reflect revisions submitted subsequent to House subcommittee action. (3) Appropriation figures for all years include all proposed appropriation amounts, including amounts designated as "one-time."

### Overview

The Department of Agriculture and Rural Development (DARD) is responsible for regulating and promoting Michigan's agriculture and food industries in collaboration with the Michigan Commission of Agriculture and Rural Development, industry stakeholders, and citizens. DARD is organized into the following programmatic divisions: Animal Industry, which mitigates and eradicates infectious and contagious diseases, toxic substance contamination, and inhumane treatment affecting livestock and pets; Environmental Stewardship, which promotes resource sustainability and protects the natural environment in collaboration with conservation districts, drain commissioners, and landowners; Food and Dairy, which ensures the safety and sanitation of food and dairy products through inspection and licensure of suppliers and investigations of foodborne illness incidents; Pesticide and Plant Pest Management, which manages plant pest and disease prevention and regulates seed, plant, grain, and feed products and storage and the manufacture and use of pesticides and fertilizers; and Laboratory, which tests and analyzes groundwater, plant seeds, livestock, food and dairy products, and motor fuels and verifies nutritional labeling and weighting and measuring devices. Additionally, the Office of Agriculture Development promotes international marketing; endeavors to attract, expand, and retain jobs and investment; and administers various grant programs.

### Major Budget Changes From FY 2013-14 YTD Appropriations

#### 1. Food Safety and Inspections

Executive increases spending and staff authorization to enhance inspections of and safety programs for food establishments. According to DARD, 55.0% of food establishments inspected in December of 2013 were in substantial compliance with the Michigan Food Law of 2012 and current staff is unable to complete 48.0% of required routine and follow-up food inspections. During FY 2012-13, GF/GP supported 61.0% of food safety and inspection expenditures. House partly concurs, but reduces spending and staff authorization increases. Senate concurs. Conference concurs.

	FY 2013-14 Year-to-Date (as of 2/5/14)	FY 2014-15 Conference Change
FTE	75.0	8.0
<b>Gross</b>	<b>\$10,881,200</b>	<b>\$1,160,000</b>
Federal	1,039,600	0
Restricted	3,390,000	0
GF/GP	\$6,451,600	\$1,160,000

#### 2. Dairy Safety and Inspections

Executive increases spending and staff authorization to enhance inspections of and safety programs dairy producers. According to DARD, the increased funding would enable the staff to meet inspection and sampling schedules and reduce wait times for licensing assistance and compliance requirements as the dairy industry expands. During FY 2012-13, GF/GP supported 94.1% of dairy/milk safety expenditures. House rejects. Senate concurs. Conference concurs.

	FY 2013-14 Year-to-Date (as of 2/5/14)	FY 2014-15 Conference Change
FTE	26.0	4.0
<b>Gross</b>	<b>\$3,821,300</b>	<b>\$600,000</b>
Federal	240,600	0
Restricted	254,400	0
GF/GP	\$3,326,300	\$600,000

<b>Major Budget Changes From FY 2013-14 YTD Appropriations</b>		<b>FY 2013-14 Year-to-Date (as of 2/5/14)</b>	<b>FY 2014-15 Conference Change</b>
<b>3. Strategic Growth Initiative (One-Time)</b>			
<u>Executive</u> includes one-time spending authorization for the Strategic Growth Initiative (SGI) grant program which is intended to increase the economic impact of the food and agriculture industry by removing barriers and leveraging opportunities. The FY 2013-14 DARD budget included \$1.0 million in ongoing GF/GP for the SGI within the DARD budget. Additionally, boilerplate Sec. 711(2) authorized DARD to receive and expend funds from the Michigan Economic Development Corporation (MEDC) which committed \$2.0 million for the SGI during FY 2013-14. MEDC funds are not anticipated for FY 2014-15. <u>House</u> partly concurs, but reduces spending authorization. <u>Senate</u> concurs. <u>Conference</u> concurs.	<b>Gross</b> GF/GP	N/A N/A	<b>\$2,000,000</b> \$2,000,000
<b>4. Qualified Forest Program</b>	FTE	5.0	0.0
<u>Executive</u> transfers spending authorization for the Qualified Forestry Program (QFP, modified by 2013 PAs 42 through 50) included in 2013 PA 59 as a one-time appropriation to the ongoing baseline. The 5.0 FTEs added by the FY 2013-14 DARD budget for the QFP were filled and work with landowners, local units of government, and conservation districts to verify affidavits, monitor Forestry Management Plans, provide training and outreach, audit property tax receipts, and develop and oversee forestry grants. (See #8 below.) <u>House</u> partly concurs, but subsequently reduces transferred amount. <u>Senate</u> concurs. <u>Conference</u> concurs.	<b>Gross</b> IDG/IDT GF/GP	<b>\$200,000</b> 200,000 \$0	<b>\$2,300,000</b> 0 \$2,300,000
<b>5. Pesticide and Plant Pest Management</b>	FTE	81.0	0.0
<u>Executive</u> transfers spending authorization for the Pesticide and Plant Pest Management Division (PPPM) included in the FY 2013-14 DARD budget as a one-time appropriation, due to insufficient restricted revenue generated by statutory fees and past reductions in General Fund appropriations, to the ongoing baseline. For example, PPPM staff inspects and certifies horticultural and agricultural products for export; during FY 2012-13, PPPM expended \$1.0 million to issue 3,822 export certificates while related inspection fees generated \$231,750 in revenue. (See #8 below.) <u>House</u> concurs. <u>Senate</u> concurs. <u>Conference</u> concurs.	<b>Gross</b> Federal Private Restricted GF/GP	<b>\$10,996,300</b> 1,778,500 20,400 4,460,800 \$4,736,600	<b>\$800,000</b> 0 0 0 \$800,000
<b>6. Capital Outlay</b>	<b>Gross</b> Restricted	<b>\$300,000</b> 300,000	<b>(\$300,000)</b> (300,000)
<u>Executive</u> eliminates appropriation for DARD acquisition of development rights for unique or critical farmland and open space pursuant to Parts 361 and 362 of 1994 PA 451 because of lack of available revenue from the Agricultural Preservation Fund which is supported with repayment of tax credits at the expiration of development rights agreements. <u>House</u> concurs. <u>Senate</u> concurs. <u>Conference</u> concurs.			
<b>7. Align with Available and Appropriate Revenues (Multiple Line Items)</b>	<b>Gross</b> IDG/IDT Federal Private Restricted GF/GP	<b>\$2,588,000</b> 210,200 1,333,400 20,000 1,024,400 \$0	<b>(\$269,000)</b> (210,200) 79,900 0 (758,100) \$619,400
<u>Executive</u> increases and decrease spending authorizations, for numerous funds affecting various line items to more accurately reflect available and appropriate revenues; results in a net decrease overall, but a net increase of GF/GP. <u>House</u> partly concurs, but reduces federal spending authorization reduction for Milk Safety and Quality Assurance line item. <u>Senate</u> partly concurs, but reduces federal spending authorization reduction for Milk Safety and Quality Assurance line item. <u>Conference</u> partly concurs, but reduces federal spending authorization reduction for Milk Safety and Quality Assurance and increases federal spending authorization for Emergency Management, Agriculture Development, and Grape and Wine Program line items.			
<b>8. FY 2013-14 One-Time Appropriations (Multiple Line Items)</b>	<b>Gross</b> GF/GP	<b>\$3,400,000</b> \$3,400,000	<b>(\$3,400,000)</b> (\$3,400,000)
<u>Executive</u> eliminates FY 2013-14 one-time appropriations for qualified forest affidavit program (\$2.3 million, see #4 above), pesticide and plant pest management (\$800,000, see #5 above), and the Ottawa County water resources study (\$300,000 GF/GP). <u>House</u> concurs. <u>Senate</u> concurs. <u>Conference</u> concurs.			

<b>Major Budget Changes From FY 2013-14 YTD Appropriations</b>		<b>FY 2013-14 Year-to-Date (as of 2/5/14)</b>	<b>FY 2014-15 Conference Change</b>
<b>9. Economic Adjustments (Multiple Line Items)</b>			
<u>Executive</u> increases and decreases spending authorization, resulting in a net increase, for negotiated salary and wage increases, insurance rates, actuarially-required retirement benefit rates, other postemployment benefits prefunding, workers' compensation costs, building occupancy costs and rent, and other incidental economic adjustments. <u>House</u> concurs. <u>Senate</u> concurs. <u>Conference</u> concurs.	<b>Gross</b>	N/A	<b>\$347,900</b>
	IDG/IDT	N/A	4,000
	Federal	N/A	85,400
	Private	N/A	1,400
	Restricted	N/A	40,600
	GF/GP	N/A	\$216,500
<b>10. Michigan Agriculture Environmental Assurance Program</b>	FTE	7.0	0.0
<u>House</u> decreases GF/GP spending authorization for the Michigan Agriculture Environmental Assurance Program (MAEAP) in order to achieve the House GF/GP spending target. <u>Senate</u> does not concur. <u>Conference</u> rejects.	<b>Gross</b>	<b>\$1,668,800</b>	<b>\$0</b>
	Restricted	333,200	0
	GF/GP	\$1,335,600	\$0
<b>11. Michigan Agriculture Environmental Assurance Program</b>	FTE	N/A	0.0
<u>House</u> transfers spending authorization (\$2,600,000 from the Freshwater Protection Fund) and staff (8.0 FTEs) from the Environmental Stewardship line item to the Michigan Agriculture Environmental Assurance Program (MAEAP) line item in order to clarify the amount of spending authorization available for the MAEAP. (See boilerplate Sec. 605.) <u>Senate</u> does not concur. <u>Conference</u> concurs.	<b>Gross</b>	<b>N/A</b>	<b>\$0</b>
	Federal	N/A	0
	Restricted	N/A	0
	GF/GP	N/A	\$0
<b>12. Local Conservation Districts</b>	FTE	N/A	0.0
<u>House</u> transfers spending authorization (\$2,173,800 in federal and restricted revenues) from the Environmental Stewardship line item to the Local Conservation Districts line item in order to clarify the amount of spending authorization available for local conservation districts. (See boilerplate Sec. 603.) <u>Senate</u> does not concur. <u>Conference</u> concurs.	<b>Gross</b>	<b>N/A</b>	<b>\$0</b>
	Federal	N/A	0
	Restricted	N/A	0
	GF/GP	N/A	\$0
<b>13. Local Conservation Districts</b>	<b>Gross</b>	<b>\$100</b>	<b>(\$100)</b>
<u>House</u> eliminates the placeholder for the Local Conservation Districts line item. <u>Senate</u> does not concur. <u>Conference</u> concurs.	GF/GP	\$100	(\$100)
<b>14. Shows and Expositions</b>	<b>Gross</b>	<b>N/A</b>	<b>\$50,000</b>
<u>House</u> includes spending authorization for competitive matching grants for equine, livestock, and other agricultural commodity shows and expositions. (See new boilerplate Sec. 804.) <u>Senate</u> does not concur. <u>Conference</u> concurs.	GF/GP	N/A	\$50,000
<b>15. Increase Funding for Horse Racing Programs (Multiple Line Items)</b>	<b>Gross</b>	<b>\$2,810,600</b>	<b>\$0</b>
<u>House</u> increases spending authorization (\$1.9 million) for various line items for horse racing purses, supplements, awards, and stakes; increased spending authorization is supported with revenue from the Agriculture Equine Industry Development Fund (AEIDF) and is available because AEIDF spending authorization has been eliminated within the budget for the Michigan Gaming Control Board (MGCB) which regulates the horse racing industry. (See boilerplate Sec. 802.) <u>Senate</u> does not concur. <u>Conference</u> rejects.	Restricted	2,810,600	0
<b>16. Offset Refine Petroleum Fund with GF/GP (Multiple Line Items)</b>	FTE	92.0	0.0
<u>Senate</u> eliminates spending authorization (\$3,912,000) from the Refined Petroleum Fund (RPF) throughout the DARD budget and offsets the reduction with equivalent spending authorization from the GF/GP. The RPF is codified within 1994 PA 451 and is supported with revenue generated by the environmental protection regulatory fee imposed on the wholesale transactions of refined petroleum products at 7/8 of a cent per gallon. The Department of Environmental Quality (DEQ) also expends money from the RPF for corrective actions necessary to address releases of refined petroleum products under the Leaking Underground Storage Tank Program and departmental administration. <u>House</u> does not concur. <u>Conference</u> rejects.	<b>Gross</b>	<b>\$13,690,700</b>	<b>\$0</b>
	IGT/IDT	211,000	0
	Federal	1,471,900	0
	Restricted	8,785,700	0
	GF/GP	\$3,222,100	\$0

<b>Major Budget Changes From FY 2013-14 YTD Appropriations</b>		<b>FY 2013-14 Year-to-Date (as of 2/5/14)</b>	<b>FY 2014-15 Conference Change</b>
<b>17. Engine Oil Inspection and Enforcement</b>	FTE	N/A	0.0
<u>Senate</u> transfers spending authorization from the Consumer Protection Program line item (\$190,000 GF/GP supported by the offset described in #16) and includes one staff person for a new engine oil inspection program. <u>House</u> does not concur. <u>Conference</u> rejects.	<b>Gross</b>	<b>N/A</b>	<b>\$0</b>
	GF/GP	N/A	\$0
<b>18. Commercial Forestry Audit Program</b>	<b>Gross</b>	<b>N/A</b>	<b>\$150,000</b>
<u>Senate</u> transfers spending authorization from the Consumer Protection Program line item (\$62,000 GF/GP supported by the offset described in #16) and increases GF/GP spending authorization (\$88,000) for a new commercial forestry audit program which would be implemented via grant funding to a nonprofit organization. (See boilerplate Sec. 609.) <u>House</u> does not concur. <u>Conference</u> concurs in part, but includes increases in GF/GP spending authorization for the entire amount.	GF/GP	N/A	\$150,000
<b>19. Farmland and Open Space Preservation</b>	FTE	9.0	0.0
<u>Conference</u> transfers excess GF/GP spending authorization (\$200,000) from the Unclassified Salaries line item to the Farmland and Open Space Preservation line item and include increases in GF/GP spending authorization for the Farmland and Open Space Preservation line item to provide support for the Farmland Preservation Program in response to declining restricted revenue generated by repayment of certain tax credits under 1974 PA 116 (reduction of \$724,500 in restricted spending authorization for FY 2014-15 within #7 above).	<b>Gross</b>	<b>\$1,300,000</b>	<b>\$121,700</b>
	Restricted	1,300,000	0
	GF/GP	\$0	\$121,700
<b>20. County Fairs Capital Improvement Grants</b>	<b>Gross</b>	<b>\$301,600</b>	<b>\$18,400</b>
<u>Conference</u> increases spending authorization for capital improvement grants to county fairs administered by DARD under boilerplate Sec. 805.	GF/GP	\$301,600	\$18,400
<b>21. Muskegon Farmers Market (One-Time)</b>	<b>Gross</b>	<b>N/A</b>	<b>\$200,000</b>
<u>Conference</u> includes one-time spending authorization for a grant to the Muskegon Farmers Market.	GF/GP	N/A	\$200,000
<b>22. Ottawa County Agriculture Incubator (One-Time)</b>	<b>Gross</b>	<b>N/A</b>	<b>\$500,000</b>
<u>Conference</u> includes one-time spending authorization for a grant to operate an agriculture incubator in Ottawa County.	GF/GP	N/A	\$500,000

#### **Major Boilerplate Changes From FY 2013-14**

##### **Sec. 205. Benchmarks for New Programs or Program Expansions – NEW**

Requires DARD to submit reports to the Legislature identifying specific benchmarks intended to measure the performance or return on taxpayer investment of new programs or program expansions and updating the Legislature on the progress of the programs as measured by those benchmarks; stipulates that the Legislature intends that benchmarks be included with executive budget requests beginning with the FY 15-16 budget. House creates. Senate does not concur. Conference concurs with House.

##### **Sec. 232. Annual Legacy Costs – NEW**

Identifies annual pension-related and retiree health care legacy costs for DARD pursuant to boilerplate Section 1202 of 2013 PA 59. Executive creates. House concurs. Senate concurs. Conference concurs.

##### **Sec. 459. Bovine TB (Re)Testing Limitations – NEW**

Stipulates that the Legislature intends that DARD shall conduct whole herd Bovine TB testing on any one herd within the TB-Free Zone more often than once every four years or retest a herd before all other herds in the same county are tested, subject to specified epidemiological occurrences. House creates. Senate does not concur. Conference concurs with House.

##### **Sec. 603. Local Conservation Districts Appropriation – NEW**

Stipulates the allocation of funds to local conservation districts for environmental conservation and protection programs and training and limitations on the use of those funds. House creates. Senate does not concur. Conference concurs with House.

##### **Sec. 604. Appropriation of Excess Federal Revenues – NEW**

Authorizes DARD to expend federal revenues in excess of the appropriation under section 107 in part 1 upon notification of the Legislature. Conference creates.

## **Major Boilerplate Changes From FY 2013-14**

### ***Sec. 605. MAEAP Expenditure Limitation – NEW***

Prohibits expenditures for administration or implementation of the Michigan Agriculture Environmental Assurance Program (MAEAP) in amounts other than the amount appropriated. House creates. Senate does not concur. Conference concurs with House.

### ***Sec. 609. Commercial Forestry Audit Program – NEW***

Stipulates legislative intent that DARD provides grant funding to the “Qualified Nonprofit Sustainable Forestry Initiative” to work with public and private forestland owners to conduct site visits and prepare an analysis and audit statewide best management practices for a variety of environmental concerns in collaboration with state departments, universities, and conservation groups. Senate creates. House does not concur. Conference concurs with Senate.

### ***Sec. 701. Rural Development Value-Added Grant Program – REVISED***

Requires DARD to establish and administer the Rural Development Value-Added Grant Program and, in collaboration with a joint evaluation committee, award competitive grants to grantees proving a cash match; designates unexpended appropriation as work project and requires semiannual reports to the Legislature. Executive eliminates work project designation for unexpended appropriation and semiannual reporting requirement. House revises to remove interim reporting requirement. Senate revises to specify a \$200,000 grant award for the eastern Michigan Food Bank for completion of its “Food Hub” Facility. Conference concurs with Senate.

### ***Sec. 711. Food and Agriculture Industry Growth Initiative***

Requires DARD to establish and administer the Food and Agriculture Industry Growth Initiative which shall use a grant process to support efforts to remove barriers and leverage opportunities critical to business development and growth within the state; stipulates that DARD may receive and expend funds received from the Michigan Strategic Fund (MSF) or the Michigan Economic Development Corporation (MEDC); requires the Director to establish a consortium of interested parties to develop priorities; requires grantees to identify measurable outcomes; stipulates that a joint evaluation committee selected by the Director shall evaluate grant applications and provide recommendations; and permits DARD to expend appropriation to administer the Initiative. Executive revises to replace reference to the MSF and MEDC with reference to “outside sources”. House does not concur. Senate concurs and specifies grant award of \$390,000 for a public-private partnership between Michigan Technological University and at least one pulp and paper manufacturer pertaining to combined heat and power co-located with sustainable agricultural food processing operations. Conference concurs with Senate, but reduces specified grant award to \$250,000.

### ***Sec. 802. Agriculture Equine Fund Reduction – REVISED***

Stipulates that appropriations from the Agriculture Equine Industry Development Fund (AEIDF), with specified exceptions, shall be proportionally reduced if revenues deposited into the AEIDF during the previous fiscal year are lower than the amounts appropriated. House eliminates exception for the racing commission which was eliminated by E.O. 2009-45 and includes exception for DARD administrative expenses. Senate does not concur. Conference revises language to reflect actual DARD practices.

### ***Sec. 803. Thoroughbred & Standardbred Escrow – REVISED***

Stipulates that if there is no live thoroughbred race meet during the fiscal year, the thoroughbred purse and program money shall be held in escrow for up to 18 months and that if there is no live thoroughbred race meet in the subsequent year, the purse pool distribution shall be the same as the distribution in the previous year. Executive eliminates. House retains but eliminates language pertaining to purse pool distributions by the Michigan Gaming Control Board (MGCB). Senate eliminates. Conference concurs with House, but expands language to include stipulations for escrowing purse and program money for Standardbred horse racing.

### ***Sec. 804. Michigan Gaming Control Board Costs – DELETED***

Requires the Michigan Gaming Control Board (MGCB) to utilize actual expenditure data in determining the actual regulatory costs of conducting horse racing and shall provide that data to the Legislature and stipulates procedures to rectify regulatory costs with a certified horseman’s organization funds and future race meets. Executive eliminates. House concurs. Senate retains. Conference concurs with Senate, but adds stipulation that the section is legislative intent.

### ***Sec. 806. Shows and Expositions Grants – NEW***

Stipulates that amounts appropriation for shows and expositions are to financially support equine, livestock, and other agricultural commodity expositions in Michigan, specifies procedures for a competitive matching grant program for such financial support, and requires annual report pertaining to grants for shows and expositions. House creates. Senate does not concur. Conference concurs with House.

### ***Sec. 1002. Capital Outlay Lump-Sum Payments – DELETED***

Requires DARD to allocate lump-sum payments consistent with statutory provisions and the purposes for which funds are appropriated, addressing priority program and facility needs, and stipulates that the State Budget Director may authorize lump-sum appropriations to be available for no more than three subsequent fiscal years, with remaining appropriations lapsing into the originating funds. Executive eliminates. House concurs. Senate concurs. Conference concurs.

### ***Sec. 1003. Capital Outlay Carryforward – DELETED***

Stipulates that the appropriations for capital outlay may be carried forward pursuant to Section 248 of the Management and Budget Act of 1984. Executive eliminates. House concurs. Senate concurs. Conference concurs.

**Major Boilerplate Changes From FY 2013-14**

***Sec. 1101. Food and Agriculture Industry Growth Initiative One-Time Appropriation***

Stipulates that the one-time appropriation for the Food and Agriculture Industry Growth Initiative shall be expended in accordance with Section 711. Senate creates. House does not concur. Conference concurs with Senate.

***Sec. 1104. Ottawa County Water Resources Study – DELETED***

Stipulates that the appropriation for the Ottawa County Water Resources Study shall utilize local partnership with stakeholder groups representing groundwater and public water supplies, delimitates the scope of the study, and requires the findings to be made available to DARD and DEQ. Executive eliminates. House concurs. Senate concurs. Conference concurs.

***Various Sections Deleted by Executive, Retained by Conference***

Executive eliminates Sections 212, 215, 302, 402, 453, 454, 456, 457, 458, 607, 706, 709, and 801. House retains. Senate retains. Conference retains.