HOUSE BILL No. 4303

February 18, 1999, Introduced by Reps. Pumford, Jelinek, Caul, Mead, Jellema, Toy, Kukuk, Godchaux, Byl, Geiger, Pappageorge, Jansen, LaSata and Scranton 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, 2000; 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:

PART 1 LINE-ITEM APPROPRIATIONS

3 Sec. 101. Subject to the conditions set forth in this bill, the 4 amounts listed in this part are appropriated for the department of 5 agriculture for the fiscal year ending September 30, 2000, from the 6 funds indicated in this part. The following is a summary of the

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1 appropriations in this part:

2 DEPARTMENT OF AGRICULTURE

3 APPROPRIATION SUMMARY:

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4	Full-time equated unclassified positions 6.0	
5	Full-time equated classified positions 598.5	
6	GROSS APPROPRIATION \$	86,327,100
7	Interdepartmental grant revenues:	
8	Total interdepartmental grants and	
9	intradepartmental transfers	8,571,900
10	ADJUSTED GROSS APPROPRIATION \$	77,755,200
11	Federal revenues:	
12	Total federal revenues	5,379,900
13	Special revenue funds:	
14	Total local revenues	0
15	Total private revenues	741,900
16	Total other state restricted revenues	30,749,500
17	State general fund/general purpose \ldots \ldots	40,883,900
18	Sec. 102. EXECUTIVE	
19	Full-time equated unclassified positions 6.0	
20	Full-time equated classified positions 9.0	
21	Commission and boards \ldots	63,300
22	Unclassified positions	477,200
23	Executive direction4.0 FTE positions	417,700
24	Statistical reporting service5.0 FTE positions .	450,400
25	Project GREEEN	<u>6,000,000</u>
26	GROSS APPROPRIATION	7,408,600
27	Appropriated from:	
28	Interdepartmental grant revenues:	
29	IDG-MDCIS nonretail liquor revenue	8,800
30	Special revenue funds:	
31	Michigan state fair revenue	75,600
32	Upper Peninsula state fair revenue	9,000
33	State general fund/general purpose \ldots \ldots	7,315,200
34	Sec. 103. ADMINISTRATIVE SERVICES	
35	Full-time equated classified positions 58.0	

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1	Management services58.0 FTE positions \$	4,535,200
2	Property management charges	1,023,300
3	Rent	289,700
4	GROSS APPROPRIATION	5,848,200
5	Appropriated from:	
6	Special revenue funds:	
7	Gasoline inspection and testing fund	51,000
8	Licensing and inspection fees	62,100
9	Industry support	5,000
10	State general fund/general purpose \$	5,730,100
11	Sec. 104. FOOD AND DAIRY	
12	Full-time equated classified positions 112.0	
13	Food safety and quality assurance112.0 FTE	
14	positions \$	8,984,300
15	Local public health operations	7,888,300
16	GROSS APPROPRIATION	16,872,600
17	Appropriated from:	
18	Interdepartmental grant revenues:	
19	IDG-MDCH local public health operations	7,888,300
20	Federal revenues:	
21	DAG-AMS, cooperative agreement	22,500
22	HHS-FDA	183,600
23	Special revenue funds:	
24	Civil penalties	60,000
25	Food handler licensing fees	1,339,700
26	Licensing and inspection fees	553,200
27	State general fund/general purpose \$	6,825,300
28	Sec. 105. ANIMAL INDUSTRY	
29	Full-time equated classified positions 26.0	
30	Animal health and welfare26.0 FTE positions $\ .$. \$	<u>2,159,600</u>
31	GROSS APPROPRIATION	2,159,600
32	Appropriated from:	
33	Federal revenues:	
34	HHS-FDA	9,000
35	Special revenue funds:	

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1	Licensing and inspection fees	33,400
2	Pseudorabies and swine brucellosis fund	87,100
3	State general fund/general purpose \$	2,030,100
4	Sec. 106. PESTICIDE AND PLANT PEST MANAGEMENT	
5	Full-time equated classified positions 131.3	
6	Pesticide and plant pest management131.3 FTE	
7	positions	11,781,000
8	Disease and pest intervention fund	341,800
9	Michigan State University	210,000
10	GROSS APPROPRIATION	12,332,800
11	Appropriated from:	
12	Federal revenues:	
13	DAG-AMS, cooperative agreement	35,300
14	DAG-APHIS, plant and animal disease and pest	
15	control	34,600
16	DAG-FS, multiple grants	2,011,200
17	EPA-OECA, pesticides enforcement program	
18	grants	974,000
19	HHS-FDA	15,400
20	Special revenue funds:	
21	Commodity inspection fees	991,500
22	Licensing and inspection fees	2,053,000
23	State general fund/general purpose \$	6,217,800
24	Sec. 107. ENVIRONMENTAL STEWARDSHIP	
25	Full-time equated classified positions 40.0	
26	Environmental stewardship30.0 FTE	
27	positions \$	2,702,600
28	Groundwater and freshwater protection program	
29	10.0 FTE positions	5,152,000
30	Energy conservation program	138,000
31	Forest stewardship program	100,000
32	Local soil conservation districts	1,400,000
33	Migrant labor housing	300,000
34	GROSS APPROPRIATION \$	9,792,600
35	Appropriated from:	

2 70,000 IDG-MDEQ sewage sludge fund 3 15,000 4 Federal revenues: 250,000 5 6 DAG-FS, multiple grants 100,000 7 236,300 8 165,000 9 Special revenue funds: 193,900 10 Private - oil company overcharge settlement . . . 40,000 11 12 Groundwater and freshwater protection fund 4,902,000 3,820,400 13 State general fund/general purpose \$ 14 Sec. 108. LABORATORY PROGRAM 15 Full-time equated classified positions . . . 127.0 Laboratory analysis program--71.5 FTE positions . \$ 16 5,498,100 17 Pesticide data program--11.0 FTE positions . . . 1,096,500 Consumer protection program--44.5 FTE positions . 3,304,000 18 19 9,898,600 20 Appropriated from: 21 Interdepartmental grant revenues: 22 IDG-MDCIS (LCC) liquor quality testing fees . . . 155,300 23 Federal revenues: 24 DAG-AMS, cooperative agreement 1,096,500 25 DAG-APHIS, plant and animal disease and pest . . 20,400 26 27 Special revenue funds: Private - oil company overcharge settlement . . . 548,000 28 29 Agriculture equine industry development fund . . . 500,000 30 Gasoline inspection and testing fund 1,918,000 31 167,100 32 Weights and measures regulation fees 323,400 33 State general fund/general purpose \$ 5,169,900 Sec. 109. MARKET DEVELOPMENT 34

35 Full-time equated classified positions . . . 20.5

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Interdepartmental grant revenues:

1	Marketing and emergency management15.5 FTE	
2	positions	2,199,200
3	Agriculture development5.0 FTE positions	907,900
4	Food bank	725,000
5	Grown in Michigan	100,000
6	Michigan festivals	50,000
7	Northwest Michigan horticultural research	
8	station	41,800
9	Southwestern Michigan tourist council - taste	
10	of Michigan	60,400
11	Future farmers of America	40,000
12	GROSS APPROPRIATION	4,124,300
13	Appropriated from:	
14	Interdepartmental grant revenues:	
15	IDG-MDCIS (LCC) nonretail liquor license	
16	fees	434,500
17	Federal revenues:	
18	DAG-ERS-ARED	126,100
19	DAG, federal/state marketing improvement	
20	program	100,000
21	Special revenue funds:	
22	Industry support funds	225,000
23	State general fund/general purpose \ldots \ldots	3,238,700
24	Sec. 110. FAIRS AND EXPOSITIONS	
25	Full-time equated classified positions 35.0	
26	State fair operations22.0 FTE positions \$	6,276,600
27	Fairs and racing5.0 FTE positions	507,200
28	Upper Peninsula state fair8.0 FTE positions	1,122,000
29	Building and track improvementscounty and	
30	state fairs	416,400
31	Premiumscounty and state fairs	1,611,200
32	Purses and supplementsfairs and licensed tracks	1,536,900
33	Standardbred Fedele Fauri futurity	51,000
34	Standardbred Michigan futurity	51,000
35	Standardbred breeders' awards	785,300

1	Standardbred purses and supplementslicensed
2	tracks
3	Standardbred training and stabling
4	Thoroughbred program
5	Thoroughbred owners' awards
6	Sire stakes program
7	Quarterhorse programs 21,200
8	Licensed tracks - light horse racing
9	Draft horse show
10	GROSS APPROPRIATION
11	Appropriated from:
12	Special revenue funds:
13	Agriculture equine industry development funds 6,984,000
14	State fair revenue
15	Upper Peninsula state fair revenue 1,005,300
16	State general fund/general purpose \$ 536,400
17	Sec. 111. OFFICE OF RACING COMMISSIONER
18	Full-time equated classified positions 39.7
19	Office of racing commissioner39.7 FTE positions \$ <u>3,000,000</u>
20	GROSS APPROPRIATION
21	Appropriated from:
22	Special revenue funds:
23	Agriculture equine industry development fund 3,000,000
24	State general fund/general purpose \$ 0
25	PART 2
26	PROVISIONS CONCERNING APPROPRIATIONS
27	GENERAL SECTIONS
28	Sec. 201. (1) Pursuant to section 30 of article IX of the state
29	constitution of 1963, total state spending under part 1 for fiscal year
30	1999-2000 is \$71,633,400.00 and state appropriations to be paid to local
31	units of government are as follows:
32	DEPARTMENT OF AGRICULTURE
33	Local soil conservation districts \$ <u>1,400,000</u>
34	Total
35	(2) If it appears to the principal executive officer of a department

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or branch that state spending to local units of government will be less than the amount that was projected to be expended under subsection (1), the principal executive officer shall immediately give notice of the approximate shortfall to the state budget director.

Sec. 202. The expenditures and funding sources authorized under
this bill are subject to the management and budget act, 1984 PA 431, MCL
18.1101 to 18.1594.

8 Sec. 203. (1) In addition to the funds appropriated in part 1, 9 there is appropriated an amount not to exceed \$4,000,000.00 for federal 10 contingency funds. These funds are not available for expenditure until 11 they have been transferred to another line item in this bill pursuant to 12 section 393(2) of the management and budget act, 1984 PA 431, MCL 13 18.1393.

14 (2) In addition to the funds appropriated in part 1, there is 15 appropriated an amount not to exceed \$6,000,000.00 for state restricted 16 contingency funds. These funds are not available for expenditure until 17 they have been transferred to another line item in this bill pursuant to 18 section 393(2) of the management and budget act, 1984 PA 431, MCL 19 18.1393.

(3) In addition to the funds appropriated in part 1, there is appropriated an amount not to exceed \$100,000.00 for local contingency funds. These funds are not available for expenditure until they have been transferred to another line item in this bill pursuant to section 393(2) of the management and budget act, 1984 PA 431, MCL 18.1393.

(4) In addition to the funds appropriated in part 1, there is appropriated an amount not to exceed \$100,000.00 for private contingency funds. These funds are not available for expenditure until they have been transferred to another line item in this bill pursuant to section 393(2) of the management and budget act, 1984 PA 431, MCL 18.1393.

30 Sec. 204. (1) Beginning October 1, 1999 a hiring freeze is imposed 31 on the state classified civil service. State departments and agencies 32 are prohibited from hiring any new full-time state classified civil 33 service employees and prohibited from filling any vacant state 34 classified civil service positions. This hiring freeze does not apply 35 to internal transfers of classified employees from one position to

another within a department or to positions that are funded with 80% or
 more federal or restricted funds.

3 (2) The state budget director shall grant exceptions to this hiring 4 freeze when the state budget director believes that the hiring freeze 5 will result in rendering a state department or agency unable to deliver 6 basic services.

Sec. 205. The department of civil service shall bill departments and agencies at the end of the first fiscal quarter for the 1% charge authorized by section 5 of article XI of the state constitution of 1963. Payments shall be made for the total amount of the billing by the end of the second fiscal quarter.

12 Sec. 206. As used in this bill:

13 (a) "DAG" means the United States department of agriculture.

14 (b) "DAG-AMS" means the DAG agriculture marketing service.

15 (c) "DAG-APHIS" means the DAG animal and plant health inspection 16 service.

17 (d) "DAG-ERS-ARED" means the DAG economic research service -18 agriculture and rural economy division.

19 (e) "DAG-FS" means the DAG forest service.

20 (f) "Department" means the Michigan department of agriculture.

21 (g) "Director" means the director of the department.

22 (h) "EPA" means the United States environmental protection agency.

23 (I) "EPA-OECA" means the EPA office of enforcement and compliance 24 assistance.

25 (j) "EPA-OW" means the EPA office of water.

26 (k) "EPA-RCRA" means the EPA resource conservation and recovery act.

27 (1) "FTE" means full-time equated position.

28 (m) "GREEEN" means generating research and extension to meet

29 environmental and economic needs.

30 (n) "HHS" means the United States department of health and human 31 services.

32 (o) "HHS-FDA" means the HHS food and drug administration.

33 (p) "IDG" means interdepartmental grant.

34 (q) "MDCH" means the Michigan department of community health.

35 (r) "MDCIS" means the Michigan department of consumer and industry 36 services.

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(s) "MDCIS (LCC)" means the MDCIS liquor control commission.
 (t) "MDEQ" means the Michigan department of environmental quality.
 (u) "NRCS" means the natural resources conservation service.

4 **EXECUTIVE**

5 Sec. 301. The appropriations in section 102 may be used for per 6 diem payments to members of boards, committees, and commissions for a 7 full day's board, committee, or commission work at which a quorum is 8 present; for attending a hearing as authorized by the respective board, 9 committee, or commission; or for performing official business as 10 authorized by the respective board, committee, or commission. The per 11 diem payments shall be at a rate as follows:

12 (a) Commission of agriculture \$ 75.00 per day 13 (b) Upper Peninsula state fair board \$ 50.00 per day 14 (c) Agricultural marketing and bargaining board \$ 35.00 per day 15 (d) Michigan state fair council \$ 50.00 per day 16 (e) Grape and wine industry council \$ 50.00 per day 17 Sec. 302. The department may receive and expend revenue to cover necessary expenses related to publications, audit and licensing 18 19 functions, livestock sales, certification of nursery stock, bean 20 inspection services, and laboratory analyses as specified in the 21 following:

22 (a) Management services publications.

23 (b) Management services audit and licensing functions.

24 (c) Upper Peninsula state fair livestock sales.

25 (d) Pesticide and plant pest management propagation and

26 certification of virus free foundation stock.

(e) Pesticide and plant pest management, bean inspection, andgrading services.

29 (f) Laboratory support testing for testing horses in draft horse 30 pulling contests at county fairs when local jurisdictions request state 31 assistance.

32 (g) Laboratory support analyses to determine foreign substances in33 horses engaged in racing or pulling contests at tracks.

34 (h) Laboratory support analysis of food, livestock, and agricultural
 35 products for disease, foreignfpredgntsubstrandeseasendtquatitigterianderds.

36 (i) Laboratory support test samples for other agencies and

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1 organizations.

2 (j) Fruit and vegetable inspection at shipping and termination3 points and processing plants.

Sec. 303. (1) From the appropriation in section 102 for project
GREEEN, \$6,000,000.00 is allocated for a grant to an institution of
higher education for the purpose of research and/or extension programs
designed to address critical regulatory, food safety, economic, and
environmental problems faced by Michigan's plant-based agriculture,
forestry, and processing industries.

10 (2) A consortium of interested parties consisting of, but not 11 limited to, representatives from the department, institutions of higher 12 education, and agricultural commodity groups shall develop the research 13 and/or extension program priorities described in subsection (1).

14 (3) Any unexpended balance of the appropriation in part 1 of this 15 bill is considered a work project appropriation. The projects will be 16 accomplished by the use of contractual services with an estimated 17 completion date of September 30, 2001.

18 (4) Not later than November 1, 2000, the grantee under subsection 19 (1) shall submit to the house and senate appropriations subcommittees on 20 agriculture and to the house and senate fiscal agencies a report for the 21 immediately preceding fiscal year regarding project GREEEN projects. 22 The report shall include, but is not limited to, the dollar amount of 23 each project and a review of each project's performance and 24 accomplishments.

(5) Indirect costs shall not be charged by an administering agencyagainst a grant funded under the allocation in subsection (1).

27 PESTICIDE AND PLANT PEST MANAGEMENT

Sec. 401. Of the funds appropriated in section 106 to the pesticide and plant pest management division, up to \$100,000.00 may be made available to the Michigan cooperative extension service for the purpose of training of applicators. Reimbursement shall be based on actual expenditures and revenue availability.

33 Sec. 402. From the appropriation in section 106 for the disease and 34 pest intervention fund program, the department shall utilize these funds 35 as needed to respond to exotic or regulatory pests or diseases.

1 ENVIRONMENTAL STEWARDSHIP

Sec. 501. The funds in section 107 for the energy conservation
program shall be distributed on a competitive basis which will be based
on statewide energy conservation criteria.

5 Sec. 502. The amount appropriated in section 107 for grants to local soil conservation districts shall be used for providing financial б 7 assistance to all soil conservation districts in order to permit the 8 districts to engage in programs that conserve soil resources and prevent and control soil erosion. All grants to local soil conservation 9 10 districts shall be allocated according to a formula approved by the commission of agriculture. Any soil conservation district that allows 11 12 payment for expenses to the district associate directors shall be 13 considered ineligible to receive grant money.

14 Sec. 503. (1) The department may expend the amount appropriated in 15 section 107 for migrant labor housing grants for construction of new 16 migrant labor housing. Project grants shall not exceed \$2,000.00 per 17 unit. An applicant is not eligible for more than a \$10,000.00 grant in any fiscal year. Units shall be equivalent in construction to units 18 19 approved by the DAG - rural development agency for low interest 20 construction loans and shall be not less than 484 square feet in size 21 and be self-contained with a minimum of 1 bedroom, a kitchen, a flush 22 toilet, a lavatory, and bathing facilities.

(2) Any unexpended migrant labor housing funds from the prior yearshall be available for grants in the subsequent fiscal year.

25 Sec. 504. (1) From the amounts appropriated in section 107 for migrant labor housing, no less than \$100,000.00 shall be allocated to a 26 27 private, nonprofit entity for the purpose of providing matching grants for the improvement or new construction of migrant labor housing. 28 The terms or requirements imposed on a recipient of a grant awarded for 29 30 migrant labor housing improvement or new construction by a private, 31 nonprofit entity shall be no less stringent than those imposed by the 32 department on recipients of similar grants awarded by the department. An entity receiving funds under this section shall use no greater than 33 34 7% of the state allocation for the administration of this program. (2) A private nonprofit entity that receives an allocation to 35

36 administer a migrant labor housing construction grant program shall give

priority to grant applicants who are on the department's waiting list of applicants for migrant labor housing construction grants. The applicants for migrant labor construction grants administered by a nonprofit entity who are on the department's waiting list shall be served in the order in which they reside on the department's waiting list.

7 MARKET DEVELOPMENT

8 Sec. 601. Within the appropriations in section 109 for market 9 development, \$434,500.00 is for the grape and wine industry council, 10 from which the department may provide grants for the purposes as 11 described in section 16b of the Michigan liquor control act, 1933 (Ex 12 Sess) PA 8, MCL 436.16b.

Sec. 602. In any given year when insufficient amounts of Michigan surplus products are offered to the food bank council and accepted for distribution, unused funds may be applied by the food bank council for the direct purchase of foods from Michigan growers, manufacturers, or wholesalers.

18 Sec. 603. (1) The \$100,000.00 appropriated in section 109 for the 19 grown in Michigan program is to provide competitive grants to Michigan 20 nonprofit organizations to raise in-state consumer awareness of Michigan 21 grown commodities.

(2) The grants are to be made by the Michigan commission of
agriculture on a competitive basis considering the following order of
priority:

25 (a) Cooperative efforts by recognized, statewide, grower funded26 organizations.

(b) The number of consumers made aware of the benefits of Michigangrown commodities.

29 (c) The number of Michigan grown products encompassed in the 30 proposal.

31 (d) The amount of the match.

32 (3) A grant made under this section shall not be less than \$5,000.0033 or more than \$25,000.00.

34 (4) Each grant shall be matched equally with grantees' funds.
35 In-kind contributions shall not be considered as matching funds.

36 Sec. 604. Indirect costs may not be charged against the future

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1 farmers of America grant in section 109 by any administering agency.

2 FAIRS AND EXPOSITIONS

3 Sec. 701. A county fair, district fair, 4-H fair, or state fair 4 receiving funds in section 110 to be used for prizes or awards, in whole or in part, as a condition precedent to the receiving of the funds for 5 those purposes, shall publish the rules relative to the prizes, awards, 6 7 and deadlines for entries eligible for the funds in their official premium books or lists relative to the prizes or awards. An aggrieved 8 exhibitor may make a written complaint to the fair within 10 days after 9 10 the fair ends. If the fair has not satisfactorily settled the grievance 11 within 45 days after it is submitted to the fair, the aggrieved person 12 may file the complaint with the department and the department shall 13 investigate the complaint and make a finding of fact regarding the 14 complaint and take appropriate action regarding the complaint.

Sec. 702. Of the amount appropriated in section 110 for purses and supplements - fairs/licensed tracks, a sufficient amount is appropriated to provide for overnight purse supplements pursuant to the horse racing law of 1995, 1995 PA 279, MCL 431.301 to 431.336.

19 Sec. 703. From the appropriations for premiums - county and state 20 fairs in section 110 not more than \$120,000.00 shall be awarded through 21 a competitive grant program to local, regional, or state fairs or expositions to promote youth involvement and adult exhibitions in the 22 23 animal agriculture industry. Appropriate exhibition classes for youth 24 shall be developed that encourage a production exhibit for which premium awards may be paid. The age for youth exhibitors shall be determined by 25 26 the standards of the association requesting the grant or, if standards 27 do not exist, the age for youth exhibitors shall be ages 9 through 21. 28 Implementation of the latest technologies into the evaluation of the animals shall be encouraged in the production exhibit. Adult 29 30 exhibitions should focus on the performance or end product, or both, with the appropriate technologies used to enhance placings and the 31 32 awarding of premiums.

33 Sec. 704. The racing commissioner may pay rewards of not more than 34 \$5,800.00 to a person who provides information that results in the 35 arrest and conviction on a felony or misdemeanor charge for a crime that 36 involves the horse racing industry. A reward paid pursuant to this

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section shall be paid out of the office of racing commissioner line
 item.

3 Sec. 705. The department shall submit a report each month for the 4 fiscal year ending September 30, 2000 to the state budget director, the 5 senate and house standing committees on appropriations, and the senate 6 and house fiscal agencies that sets forth the simulcasting revenues 7 generated in the preceding month by each licensed track and the amount 8 received from license fees.

9 Sec. 706. (1) The appropriation of \$169,200.00 in section 110 for 10 standardbred purses and supplements - licensed tracks is intended to 11 provide state purse supplements for 4 races at state licensed 12 pari-mutuel horse racing tracks. The purse supplements are to be used 13 for races comprised only of Michigan-bred horses segregated into a 14 4-year-old colt trot division, a 4-year-old filly trot division, a 15 4-year-old colt pace division, and a 4-year-old filly pace division.

16 (2) The appropriation in section 110 for licensed tracks - light17 horse racing shall be allocated as follows:

Sec. 707. Included in the appropriation made in section 110 for the thoroughbred program is \$30,500.00 for the Michigan united thoroughbred breeders and owners association to conduct a thoroughbred yearling show. The Michigan united thoroughbred breeders and owners association shall submit to the department an itemized list of expenses showing that the expenses of the yearling show were paid.

Sec. 708. From the funds appropriated in section 110 for thoroughbred owners' awards, the department shall develop a program to provide for thoroughbred owners' awards that will be given to owners of Michigan-bred horses finishing first in nonrestricted races at licensed pari-mutuel tracks in Michigan.

31 Sec. 709. If Michigan state fair revenue is less than 32 \$6,439,700.00, there is an appropriation from the state general fund in 33 an amount equal to the difference between \$6,439,700.00 and the amount 34 of Michigan state fair revenue received for the fiscal year ending 35 September 30, 2000, not to exceed \$1,000,000.00.

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