

SENATE BILL NO. 357

EXECUTIVE BUDGET BILL

February 23, 1999, Introduced by Senators MC MANUS, GAST, HOFFMAN,
GOUGEON, STEIL and GOSCHKA and referred to the Committee on
Appropriations.

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:

1 PART 1

2 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

agriculture for the fiscal year ending September 30, 2000, from the
funds indicated in this part. The following is a summary of the
appropriations in this part:

DEPARTMENT OF AGRICULTURE

APPROPRIATION SUMMARY:

Full-time equated unclassified positions . . .	6.0	
Full-time equated classified positions . . .	598.5	
GROSS APPROPRIATION		\$ 86,327,100

Interdepartmental grant revenues:

Total interdepartmental grants and intradepartmental transfers		8,571,900
ADJUSTED GROSS APPROPRIATION		\$ 77,755,200

Federal revenues:

Total federal revenues		5,379,900
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Special revenue funds:

Total local revenues		0
Total private revenues		741,900
Total other state restricted revenues		30,749,500
State general fund/general purpose		\$ 40,883,900

Sec. 102. EXECUTIVE

Full-time equated unclassified positions . . .	6.0	
Full-time equated classified positions . . .	9.0	
Commission and boards		\$ 63,300
Unclassified positions		477,200
Executive direction--4.0 FTE positions		417,700
Statistical reporting service--5.0 FTE positions .		450,400
Project GREEN		<u>6,000,000</u>
GROSS APPROPRIATION		\$ 7,408,600

Appropriated from:

Interdepartmental grant revenues:

IDG-MDCIS nonretail liquor revenue		8,800
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1	Special revenue funds:		
2	Michigan state fair revenue		75,600
3	Upper Peninsula state fair revenue		9,000
4	State general fund/general purpose	\$	7,315,200
5	Sec. 103. ADMINISTRATIVE SERVICES		
6	Full-time equated classified positions	58.0	
7	Management services--58.0 FTE positions	\$	4,535,200
8	Property management charges		1,023,300
9	Rent		<u>289,700</u>
10	GROSS APPROPRIATION	\$	5,848,200
11	Appropriated from:		
12	Special revenue funds:		
13	Gasoline inspection and testing fund		51,000
14	Licensing and inspection fees		62,100
15	Industry support		5,000
16	State general fund/general purpose	\$	5,730,100
17	Sec. 104. FOOD AND DAIRY		
18	Full-time equated classified positions	112.0	
19	Food safety and quality assurance--112.0 FTE		
20	positions	\$	8,984,300
21	Local public health operations		<u>7,888,300</u>
22	GROSS APPROPRIATION	\$	16,872,600
23	Appropriated from:		
24	Interdepartmental grant revenues:		
25	IDG-MDCH local public health operations		7,888,300
26	Federal revenues:		
27	DAG-AMS, cooperative agreement		22,500
28	HHS-FDA		183,600
29	Special revenue funds:		
30	Civil penalties		60,000
31	Food handler licensing fees		1,339,700

1	Licensing and inspection fees	553,200
2	State general fund/general purpose	\$ 6,825,300
3	Sec. 105. ANIMAL INDUSTRY	
4	Full-time equated classified positions	26.0
5	Animal health and welfare--26.0 FTE positions	\$ <u>2,159,600</u>
6	GROSS APPROPRIATION	\$ 2,159,600
7	Appropriated from:	
8	Federal revenues:	
9	HHS-FDA	9,000
10	Special revenue funds:	
11	Licensing and inspection fees	33,400
12	Pseudorabies and swine brucellosis fund	87,100
13	State general fund/general purpose	\$ 2,030,100
14	Sec. 106. PESTICIDE AND PLANT PEST MANAGEMENT	
15	Full-time equated classified positions	131.3
16	Pesticide and plant pest management--131.3 FTE	
17	positions	\$ 11,781,000
18	Disease and pest intervention fund	341,800
19	Michigan State University	<u>210,000</u>
20	GROSS APPROPRIATION	\$ 12,332,800
21	Appropriated from:	
22	Federal revenues:	
23	DAG-AMS, cooperative agreement	35,300
24	DAG-APHIS, plant and animal disease and pest	
25	control	34,600
26	DAG-FS, multiple grants	2,011,200
27	EPA-OECA, pesticides enforcement program	
28	grants	974,000
29	HHS-FDA	15,400
30	Special revenue funds:	
31	Commodity inspection fees	991,500

1	Licensing and inspection fees	2,053,000
2	State general fund/general purpose	\$ 6,217,800
3	Sec. 107. ENVIRONMENTAL STEWARDSHIP	
4	Full-time equated classified positions	40.0
5	Environmental stewardship--30.0 FTE	
6	positions	\$ 2,702,600
7	Groundwater and freshwater protection program	
8	--10.0 FTE positions	5,152,000
9	Energy conservation program	138,000
10	Forest stewardship program	100,000
11	Local soil conservation districts	1,400,000
12	Migrant labor housing	<u>300,000</u>
13	GROSS APPROPRIATION	\$ 9,792,600
14	Appropriated from:	
15	Interdepartmental grant revenues:	
16	IDG-MDEQ sewage sludge fund	70,000
17	IDG-MDEQ type II well survey	15,000
18	Federal revenues:	
19	DAG-NRCS	250,000
20	DAG-FS, multiple grants	100,000
21	EPA-OW	236,300
22	EPA-RCRA	165,000
23	Special revenue funds:	
24	Private - oil company overcharge settlement . . .	193,900
25	Industry support	40,000
26	Groundwater and freshwater protection fund	4,902,000
27	State general fund/general purpose	\$ 3,820,400
28	Sec. 108. LABORATORY PROGRAM	
29	Full-time equated classified positions . . .	127.0
30	Laboratory analysis program--71.5 FTE positions .	\$ 5,498,100
31	Pesticide data program--11.0 FTE positions	1,096,500

1	Consumer protection program--44.5 FTE positions	<u>3,304,000</u>
2	GROSS APPROPRIATION	\$ 9,898,600
3	Appropriated from:	
4	Interdepartmental grant revenues:	
5	IDG-MDCIS (LCC) liquor quality testing fees	155,300
6	Federal revenues:	
7	DAG-AMS, cooperative agreement	1,096,500
8	DAG-APHIS, plant and animal disease and pest	
9	control	20,400
10	Special revenue funds:	
11	Private - oil company overcharge settlement	548,000
12	Agriculture equine industry development fund	500,000
13	Gasoline inspection and testing fund	1,918,000
14	Testing fees	167,100
15	Weights and measures regulation fees	323,400
16	State general fund/general purpose	\$ 5,169,900
17	Sec. 109. MARKET DEVELOPMENT	
18	Full-time equated classified positions	20.5
19	Marketing and emergency management--15.5 FTE	
20	positions	\$ 2,199,200
21	Agriculture development--5.0 FTE positions	907,900
22	Food bank	725,000
23	Grown in Michigan	100,000
24	Michigan festivals	50,000
25	Northwest Michigan horticultural research	
26	station	41,800
27	Southwestern Michigan tourist council - taste	
28	of Michigan	60,400
29	Future farmers of America	<u>40,000</u>
30	GROSS APPROPRIATION	\$ 4,124,300
31	Appropriated from:	
32	Interdepartmental grant revenues:	

1	IDG-MDCIS (LCC) nonretail liquor license	
2	fees	434,500
3	Federal revenues:	
4	DAG-ERS-ARED	126,100
5	DAG, federal/state marketing improvement	
6	program	100,000
7	Special revenue funds:	
8	Industry support funds	225,000
9	State general fund/general purpose \$	3,238,700
10	Sec. 110. FAIRS AND EXPOSITIONS	
11	Full-time equated classified positions 35.0	
12	State fair operations--22.0 FTE positions \$	6,276,600
13	Fairs and racing--5.0 FTE positions	507,200
14	Upper Peninsula state fair--8.0 FTE positions . .	1,122,000
15	Building and track improvements--county and	
16	state fairs	416,400
17	Premiums--county and state fairs	1,611,200
18	Purses and supplements--fairs and licensed tracks	1,536,900
19	Standardbred Fedele Fauri futurity	51,000
20	Standardbred Michigan futurity	51,000
21	Standardbred breeders' awards	785,300
22	Standardbred purses and supplements--licensed	
23	tracks	169,200
24	Standardbred training and stabling	23,400
25	Thoroughbred program	1,019,500
26	Thoroughbred owners' awards	83,500
27	Sire stakes program	1,130,700
28	Quarterhorse programs	21,200
29	Licensed tracks - light horse racing	41,100
30	Draft horse show	<u>43,600</u>
31	GROSS APPROPRIATION \$	14,889,800
32	Appropriated from:	

1 Special revenue funds:

2	Agriculture equine industry development funds . . .	6,984,000
3	State fair revenue	6,364,100
4	Upper Peninsula state fair revenue	1,005,300
5	State general fund/general purpose \$	536,400

6 **Sec. 111. OFFICE OF RACING COMMISSIONER**

7	Full-time equated classified positions	39.7
8	Office of racing commissioner--39.7 FTE positions \$	<u>3,000,000</u>
9	GROSS APPROPRIATION \$	3,000,000

10 Appropriated from:

11 Special revenue funds:

12	Agriculture equine industry development fund . . .	3,000,000
13	State general fund/general purpose \$	0

14 PART 2

15 PROVISIONS CONCERNING APPROPRIATIONS

16 **GENERAL SECTIONS**

17 Sec. 201. (1) Pursuant to section 30 of article IX of the state
 18 constitution of 1963, total state spending under part 1 for fiscal year
 19 1999-2000 is \$71,633,400.00 and state appropriations to be paid to local
 20 units of government are as follows:

21 DEPARTMENT OF AGRICULTURE

22	Local soil conservation districts \$	<u>1,400,000</u>
23	Total \$	1,400,000

24 (2) If it appears to the principal executive officer of a department
 25 or branch that state spending to local units of government will be less
 26 than the amount that was projected to be expended under subsection (1),
 27 the principal executive officer shall immediately give notice of the
 28 approximate shortfall to the state budget director.

29 Sec. 202. The expenditures and funding sources authorized under
 30 this bill are subject to the management and budget act, 1984 PA 431, MCL
 31 18.1101 to 18.1594.

1 Sec. 203. (1) In addition to the funds appropriated in part 1,
2 there is appropriated an amount not to exceed \$4,000,000.00 for federal
3 contingency funds. These funds are not available for expenditure until
4 they have been transferred to another line item in this bill pursuant to
5 section 393(2) of the management and budget act, 1984 PA 431, MCL
6 18.1393.

7 (2) In addition to the funds appropriated in part 1, there is
8 appropriated an amount not to exceed \$6,000,000.00 for state restricted
9 contingency funds. These funds are not available for expenditure until
10 they have been transferred to another line item in this bill pursuant to
11 section 393(2) of the management and budget act, 1984 PA 431, MCL
12 18.1393.

13 (3) In addition to the funds appropriated in part 1, there is
14 appropriated an amount not to exceed \$100,000.00 for local contingency
15 funds. These funds are not available for expenditure until they have
16 been transferred to another line item in this bill pursuant to section
17 393(2) of the management and budget act, 1984 PA 431, MCL 18.1393.

18 (4) In addition to the funds appropriated in part 1, there is
19 appropriated an amount not to exceed \$100,000.00 for private contingency
20 funds. These funds are not available for expenditure

1 until they have been transferred to another line item in this bill
2 pursuant to section 393(2) of the management and budget act, 1984 PA
3 431, MCL 18.1393.

4 Sec. 204. (1) Beginning October 1, 1999 a hiring freeze is imposed
5 on the state classified civil service. State departments and agencies
6 are prohibited from hiring any new full-time state classified civil
7 service employees and prohibited from filling any vacant state
8 classified civil service positions. This hiring freeze does not apply
9 to internal transfers of classified employees from one position to
10 another within a department or to positions that are funded with 80% or
11 more federal or restricted funds.

12 (2) The state budget director shall grant exceptions to this hiring
13 freeze when the state budget director believes that the hiring freeze
14 will result in rendering a state department or agency unable to deliver
15 basic services.

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

21 Sec. 206. As used in this bill:

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

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

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

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

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

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

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

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

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

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

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

(l) "FTE" means full-time equated position.

(m) "GREEN" means generating research and extension to meet environmental and economic needs.

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

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

(p) "IDG" means interdepartmental grant.

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

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

(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.

EXECUTIVE

Sec. 301. The appropriations in section 102 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) Upper Peninsula state fair board \$ 50.00 per day
- (c) Agricultural marketing and bargaining board \$ 35.00 per day

- (d) Michigan state fair council \$ 50.00 per day
- (e) Grape and wine industry council \$ 50.00 per day

Sec. 302. The department may receive and expend revenue to cover necessary expenses related to publications, audit and licensing functions, livestock sales, certification of nursery stock, 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) Pesticide and plant pest management, 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, foreign products, substances, and toxins, and quality standards.
- (i) Laboratory support test samples for other agencies and organizations.
- (j) Fruit and vegetable inspection at shipping and termination points and processing plants.

Sec. 303. (1) From the appropriation in section 102 for project GREEN, \$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.

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

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

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

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

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.

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

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.

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

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

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

21 Sec. 504. (1) From the amounts appropriated in section 107 for
22 migrant labor housing, no less than \$100,000.00 shall be allocated to a
23 private, nonprofit entity for the purpose of providing matching grants
24 for the improvement or new construction of migrant labor housing. The
25 terms or requirements imposed on a recipient of a grant awarded for
26 migrant labor housing improvement or new construction by a private,
27 nonprofit entity shall be no less stringent than those

1 imposed by the department on recipients of similar grants awarded by the
2 department. An entity receiving funds under this section shall use no
3 greater than 7% of the state allocation for the administration of this
4 program.

5 (2) A private nonprofit entity that receives an allocation to
6 administer a migrant labor housing construction grant program shall give
7 priority to grant applicants who are on the department's waiting list of
8 applicants for migrant labor housing construction grants. The
9 applicants for migrant labor construction grants administered by a
10 nonprofit entity who are on the department's waiting list shall be
11 served in the order in which they reside on the department's waiting
12 list.

13 **MARKET DEVELOPMENT**

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

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

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

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

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

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

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

(d) The amount of the match.

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

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

Sec. 604. Indirect costs may not be charged against the future farmers of America grant in section 109 by any administering agency.

FAIRS AND EXPOSITIONS

Sec. 701. A county fair, district fair, 4-H fair, or state fair 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 those purposes, shall publish the rules relative to the prizes, awards, and deadlines for entries eligible for the funds in their official premium books or lists relative to the prizes or awards. An aggrieved exhibitor may make a written complaint to the fair within 10 days after the fair ends. If the fair has not satisfactorily settled the grievance within 45 days after it is submitted to the fair, the aggrieved person may file the complaint with the department and the department shall investigate the complaint and make a finding of fact regarding the 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

1 the horse racing law of 1995, 1995 PA 279, MCL 431.301 to 431.336.

2 Sec. 703. From the appropriations for premiums - county and state
3 fairs in section 110 not more than \$120,000.00 shall be awarded through
4 a competitive grant program to local, regional, or state fairs or
5 expositions to promote youth involvement and adult exhibitions in the
6 animal agriculture industry. Appropriate exhibition classes for youth
7 shall be developed that encourage a production exhibit for which premium
8 awards may be paid. The age for youth exhibitors shall be determined by
9 the standards of the association requesting the grant or, if standards
10 do not exist, the age for youth exhibitors shall be ages 9 through 21.
11 Implementation of the latest technologies into the evaluation of the
12 animals shall be encouraged in the production exhibit. Adult
13 exhibitions should focus on the performance or end product, or both,
14 with the appropriate technologies used to enhance placings and the
15 awarding of premiums.

16 Sec. 704. The racing commissioner may pay rewards of not more than
17 \$5,800.00 to a person who provides information that results in the
18 arrest and conviction on a felony or misdemeanor charge for a crime that
19 involves the horse racing industry. A reward paid pursuant to this
20 section shall be paid out of the office of racing commissioner line
21 item.

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

28 Sec. 706. (1) The appropriation of \$169,200.00 in section 110 for
29 standardbred purses and supplements - licensed tracks is intended to
30 provide state purse supplements for 4 races at state licensed

1 pari-mutuel horse racing tracks. The purse supplements are to be used
 2 for races comprised only of Michigan-bred horses segregated into a
 3 4-year-old colt trot division, a 4-year-old filly trot division, a
 4 4-year-old colt pace division, and a 4-year-old filly pace division.

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

7 Arabian and Appaloosa horse racing	\$ 10,275.00
8 Quarter horse racing	\$ 30,825.00

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

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

20 Sec. 709. If Michigan state fair revenue is less than
 21 \$6,439,700.00, there is an appropriation from the state general fund in
 22 an amount equal to the difference between \$6,439,700.00 and the amount
 23 of Michigan state fair revenue received for the fiscal year ending
 24 September 30, 2000, not to exceed \$1,000,000.00.

Final page.