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MEMORANDUM

To: Rep. Partridge, Chair, House Committee on Agriculture
From: Rep. Johnson, Chair, House Committee on Appropriations
Date: February 12, 2015
Subject: Review of Provisions in the Governor's Proposed FY 2016 Budget

The House Appropriations Committee is in the process of taking testimony on the Governor's fiscal year 2016 budget proposal. There are several provisions that fall under the jurisdiction of the House Committee on Agriculture. Some provisions are included for informational purposes; however, you are welcome to comment on any of them. It would be helpful if your committee could review the provisions and provide recommendations by March 11th.

Please find below the items that I would like your committee to review. Thank you very much for your consideration.

Sec. E.100 EXECUTIVE BRANCH POSITION AUTHORIZATIONS

(a) The establishment of the following new permanent classified positions is authorized in fiscal year 2016 as follows:

(4) In the Agency of Agriculture – one (1) Dairy Product Specialist, one (1) Water Quality Specialist, one (1) Water Quality Permitting and Project Manager, two (2) Small Farm Water Quality Specialist, one (1) Agriculture Systems Specialist, one (1) Financial Administrator, one (1) GIS Project Supervisor and one (1) Senior Agricultural Development Coordinator.

EXPLANATION: Seven positions related to the Total Maximum Daily Load (TMDL) water quality project. One water quality position for work in Franklin County. One dairy product inspector for growing number of facilities.

(10) In the Department of Environmental Conservation – thirteen (13) TMDL (Total Maximum Daily Load) positions.

EXPLANATION: Please note that the House Committee on Natural Resources and Energy and on Fish and Wildlife and Water Resources is also reviewing this language. In the Department of Environmental Conservation's Watershed Management Division.

Sec. E.224 Agriculture, food and markets – agricultural development

(a) Of the funds appropriated in Sec. B.224 of this act, the amount of \$496,136 in general funds is appropriated for expenditure by the Working Lands Enterprise Board established in 6 V.S.A. § 4606 for direct grants and investments in food and forest systems pursuant to 6 V.S.A. § 4607 and consistent with the funding priorities in 2012 Acts and Resolves No. 142, Sec. 5.

EXPLANATION: The appropriation for the Working Lands program is reduced, with grant-making focused on the service provider investment area, which provides technical assistance and educational services to agricultural and forestry and forest products enterprises.

Sec. E.225.1 VERMONT AGRICULTURAL AND ENVIRONMENTAL LABORATORY

(a) Effective July 1, 2015, the functions of the Department of Environmental Conservation environmental laboratory and the Agency of Agriculture, Food and Markets agricultural laboratory are consolidated in the Vermont Agricultural and Environmental Laboratory, under the direction of the Agency and separately appropriated there. The environmental laboratory positions in the Department and positions in the Agency associated with agricultural laboratory operations are transferred to that appropriation.

(b) The Department of Environmental Conservation shall utilize the Agricultural and Environmental Laboratory for chemical analytical samples unless any of the following apply:

(1) The Agricultural and Environmental Laboratory cannot perform the analysis being requested by the Department of Environmental Conservation.

(2) The Agricultural and Environmental Laboratory cannot process the samples within the timeframe established by the Department of Environmental Conservation.

(3) The fees charged by the Agricultural and Environmental Laboratory are 120 percent or greater than for comparable analyses performed by a private environmental laboratory.

EXPLANATION: In order to provide greater efficiency, lower costs of analysis and reduce redundancy of services, the Agency of Agriculture and Department of Environmental Conservation laboratory analytical services will be merged into a single laboratory functional group. In order to accomplish this merger, certain statutory amendments are required as noted here.

Sec. E.225.2 6 V.S.A. Sec. 121 is amended to read:

Sec. 121. Creation and purpose

There is created within the agency of agriculture, food and markets a central testing laboratory for the purpose of assisting the agency in the performance of the duties required of it by law providing agricultural and environmental testing services.

EXPLANATION: In order to provide greater efficiency, lower costs of analysis and reduce redundancy of services, the Agency of Agriculture and Department of Environmental Conservation laboratory analytical services will be merged into a single laboratory functional group. In order to accomplish this merger, certain statutory amendments are required as noted here.

Sec. E.225.3 6 V.S.A. Sec. 122 is amended to read:

Sec. 122. Fees

Notwithstanding 32 V.S.A. § 603, the agency shall establish fees for ~~any tests conducted~~ providing agricultural and environmental testing services at the request of private individuals and State agencies. The fees shall ~~cover the costs of the tests and any administrative work performed in conjunction with the test, including but not limited to collection costs~~ be reasonably related to the cost of providing the services. Fees collected under this chapter shall be credited to a special fund which shall be established and managed pursuant to 32 V.S.A. chapter 7, subchapter 5, and which shall be available to the Agency to offset the cost of providing the services.

EXPLANATION: In order to provide greater efficiency, lower costs of analysis and reduce redundancy of services, the Agency of Agriculture and Department of Environmental Conservation laboratory analytical services will be merged into a single laboratory functional group. In order to accomplish this merger, certain statutory amendments are required as noted here. Please note that the Committee on Ways and means has also been sent this section for review.

Sec. E.225.4 REPEAL

(a) 3 V.S.A. Sec. 2822(n) (environmental testing laboratory services) is repealed.

(b) The balance in the Environmental Conservation – Laboratory Receipts Special Fund (SF#21861) is transferred to the Agriculture, Food and Markets – Laboratory Testing Special Fund (SF#21667).

EXPLANATION: In order to provide greater efficiency, lower costs of analysis and reduce redundancy of services, the Agency of Agriculture and Department of Environmental Conservation laboratory analytical services will be merged into a single laboratory functional group. In order to accomplish this merger, certain statutory amendments are required as noted here.

In addition to these language provisions, the Governor’s proposal includes eliminating funding for the State Stipend of \$125,000.