

**SB 85 B BUDGET REPORT and MEASURE SUMMARY**

**Carrier:** Rep. Pham K

**Joint Committee On Ways and Means**

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**Action Date:** 06/12/23

**Action:** Do Pass the B-Eng bill.

**House Vote**

**Yeas:** 8 - Evans, Gomberg, Holvey, McLain, Pham K, Sanchez, Smith G, Valderrama

**Nays:** 2 - Cate, Lewis

**Exc:** 2 - Breese-Iverson, Reschke

**Senate Vote**

**Yeas:** 6 - Campos, Dembrow, Frederick, Gelsner Blouin, Sollman, Steiner

**Nays:** 1 - Anderson

**Exc:** 3 - Findley, Girod, Knopp

**Abs:** 1 - Hansell

**Prepared By:** Sione Filimoehala, Department of Administrative Services

**Reviewed By:** Doug Wilson, Legislative Fiscal Office

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**Department of Agriculture**

**2023-25**

**Department of Environmental Quality**

**2023-25**

**Budget Summary**

|  | 2021-23 Legislatively<br>Approved Budget | 2023-25 Current Service<br>Level | 2023-25 Committee<br>Recommendation | Committee Change from 2021-23<br>Leg. Approved |          |
|--|--|----------------------------------|-------------------------------------|--|----------|
|  |  |                                  |                                     | \$ Change                                      | % Change |
| <b>Department of Agriculture</b>           |  |                                  |                                     |  |          |
| General Fund                               | \$ -                                     | \$ -                             | \$ 562,012                          | \$ 562,012                                     | 100.0%   |
| <b>Department of Environmental Quality</b> |  |                                  |                                     |  |          |
| General Fund                               | \$ -                                     | \$ -                             | \$ 214,491                          | \$ 214,491                                     | 100.0%   |
| Total                                      | \$ -                                     | \$ -                             | \$ 776,503                          | \$ 776,503                                     | 100.0%   |

**Position Summary**

|  |      |      |      |      |  |
|--|------|------|------|------|--|
| <b>Department of Agriculture</b>           |      |      |      |      |  |
| Authorized Positions                       | 0    | 0    | 2    | 2    |  |
| Full-time Equivalent (FTE) positions       | 0.00 | 0.00 | 1.76 | 1.76 |  |
| <b>Department of Environmental Quality</b> |      |      |      |      |  |
| Authorized Positions                       | 0    | 0    | 1    | 1    |  |
| Full-time Equivalent (FTE) positions       | 0.00 | 0.00 | 0.79 | 0.79 |  |

**Summary of Revenue Changes**

Senate Bill 85 appropriates \$562,012 General Fund to the Department of Agriculture (ODA) and \$214,491 General Fund to the Department of Environmental Quality (DEQ) to carry out the agencies’ responsibilities relating to confined animal feeding operation permit requirements under the bill.

**Summary of Capital Construction Subcommittee Action**

Senate Bill 85 prohibits DEQ or ODA from issuing a general National Pollutant Discharge Elimination System or Water Pollution Control Facilities permit to a new large, confined animal feeding operation (CAFO) located in a ground water management area and applies manure, litter, or processed wastewater to land within the ground water management area. Before applying for a new permit or expanding a large CAFO, an applicant must request for DEQ or ODA to schedule a preliminary consultation, which includes these agencies and the Water Resources Department (WRD). Animals may not be brought to a new or expanded facility until after ODA inspects the operation and confirms the construction or installation of the waste management system and relevant operational functions comply with the conditions of the water quality permit. Additionally, prior to applying for a permit, an applicant for a proposed CAFO must request a land use compatibility statement from the

city or county where the operation is proposed to be located. The bill authorizes ODA to issue nutrient application permits and requires certain CAFOs to submit water supply plans.

Department of Agriculture

Senate Bill 85 provides \$562,012 General Fund and establishes one permanent full-time Natural Resource Specialist 3 position (0.88 FTE) to serve as a field inspector and one permanent full-time Natural Resource Specialist 4 position (0.88 FTE) to serve as a permit writer and work with the other agencies required by the bill. The provided funding includes one-time expenses of \$135,000 for the purchase of a vehicle and rulemaking costs.

Department of Environmental Quality

Senate Bill 85 provides \$214,491 General Fund and establishes one limited duration full-time Natural Resource Specialist 4 position (0.79 FTE) to develop rules and begin work on permitting. The position is expected to continue as a limited duration part-time position at 0.25 FTE in the 2025-27 biennium.

**DETAIL OF JOINT COMMITTEE ON WAYS AND MEANS ACTION**

Department of Environmental Quality  
 Sione Filimoehala - 971)707-8779

| DESCRIPTION                                   | GENERAL FUND      | LOTTERY FUNDS | OTHER FUNDS |             | FEDERAL FUNDS |             | TOTAL ALL FUNDS   | POS      | FTE         |
|---|-------------------|---------------|-------------|-------------|---------------|-------------|-------------------|----------|-------------|
|   |                   |               | LIMITED     | NONLIMITED  | LIMITED       | NONLIMITED  |                   |          |             |
| <b><u>SUBCOMMITTEE ADJUSTMENTS</u></b>        |                   |               |             |             |               |             |                   |          |             |
| Department of Agriculture                     |                   |               |             |             |               |             |                   |          |             |
| <b>SCR 040 - Natural Resource Policy Area</b> |                   |               |             |             |               |             |                   |          |             |
| Personal Services                             | \$ 384,520        | \$ -          | \$ -        | \$ -        | \$ -          | \$ -        | \$ 384,520        | 2        | 1.76        |
| Services and Supplies                         | \$ 142,492        | \$ -          | \$ -        | \$ -        | \$ -          | \$ -        | \$ 142,492        |          |             |
| Capital Outlay                                | \$ 35,000         | \$ -          | \$ -        | \$ -        | \$ -          | \$ -        | \$ 35,000         |          |             |
| Department of Environmental Quality           |                   |               |             |             |               |             |                   |          |             |
| <b>SCR 002 - Water Quality</b>                |                   |               |             |             |               |             |                   |          |             |
| Personal Services                             | \$ 184,012        | \$ -          | \$ -        | \$ -        | \$ -          | \$ -        | \$ 184,012        | 1        | 0.79        |
| Services and Supplies                         | \$ 30,479         | \$ -          | \$ -        | \$ -        | \$ -          | \$ -        | \$ 30,479         |          |             |
| <b>TOTAL ADJUSTMENTS</b>                      | <b>\$ 776,503</b> | <b>\$ -</b>   | <b>\$ -</b> | <b>\$ -</b> | <b>\$ -</b>   | <b>\$ -</b> | <b>\$ 776,503</b> | <b>3</b> | <b>2.55</b> |
| <b>SUBCOMMITTEE RECOMMENDATION</b>            | <b>\$ 776,503</b> | <b>\$ -</b>   | <b>\$ -</b> | <b>\$ -</b> | <b>\$ -</b>   | <b>\$ -</b> | <b>\$ 776,503</b> | <b>3</b> | <b>2.55</b> |