



REPORT ON IMPLEMENTATION OF FY 2013 LEGISLATIVE INTENT LANGUAGE

NATURAL RESOURCES, AGRICULTURE, & ENVIRONMENTAL QUALITY APPROPRIATIONS SUBCOMMITTEE
STAFF: IVAN DJAMBOV & ANGELA OH

ISSUE BRIEF

The purpose of this document is to report on the implementation of the legislative intent language pertaining to FY 2013, the most recently completed fiscal year. These pieces of legislative intent were included in appropriations bills from the 2012 and the 2013 general sessions.

Nonlapsing Intent Language

UCA 63J authorizes agencies who have obtained legislative approval to carry forward certain amount of their appropriation into the next fiscal year as “nonlapsing.” The following section provides:

- the nonlapsing amounts by line item and by category approved by the 2012 Legislature to be carried forward from FY 2012 into FY 2013 (Approved Nonlapsing),
- the actual amounts spent in FY 2013 in each category (Amount Spent in FY 2013), and
- explanations about the expenditures.

Department of Agriculture and Food

Agriculture Administration	Approved Nonlapsing	Amount Spent in FY 2013	Explanation/Detail
Capital Equipment or Improvements	\$118,000	\$118,000	Animal Veterinary Diagnostics Lab Equipment
Computer Equipment/Software	\$93,000	\$44,800	Computer system replacement and maintenance
Employee Training/Incentives	\$179,000	\$160,800	Employee incentives and training
Equipment/Supplies	\$95,500	\$95,500	Cattle collars and range chains
Vehicles	\$208,000	\$208,000	2 weights & measures trucks
Special Projects/Studies	\$1,025,000	\$656,500	Research grants, FFA support, office space remodel, ACTS database, State Fair, Utah's Own, advertising, equipment upgrades, 6 county carryover, sundry.
	\$1,718,500	\$1,283,600	

Predatory Animal Control	Approved Nonlapsing	Amount Spent in FY 2013	Explanation/Detail
Equipment/Supplies	\$50,000	\$50,000	Miscellaneous purchases
Special Projects	\$150,000	\$150,000	Aircraft engine replacement and smaller predator eradication projects
	\$200,000	\$200,000	

Resource Conservation	Approved Nonlapsing	Amount Spent in FY 2013	Explanation/Detail
Capital Equipment/Improvements	\$30,000	\$0	
Computer Equipment/Software	\$25,000	\$6,620	Computer system replacement & maintenance
Employee Training/Incentives	\$20,000	\$2,680	Employee training & incentives
Equipment/Supplies	\$20,000	\$20,000	Miscellaneous purchases
Vehicles	\$25,000	\$0	
Special Projects/Studies	\$15,000	\$15,000	Conservation projects
	\$135,000	\$44,300	

Rangeland Improvement	Approved Nonlapsing	Amount Spent in FY 2013	Explanation/Detail
Rangeland Improvement Projects	\$1,346,000	\$860,000	Multiple grazing improvement projects

Department of Natural Resources

DNR Administration	Approved Nonlapsing	Amount Spent in FY 2013	Explanation/Detail
Capital Projects	\$88,000	\$0	No funds used.
Computer Equipment/Software	\$15,000	\$0	No funds used.
Equipment/Supplies	\$12,000	\$0	No funds used.
Capital Equipment	\$110,000	\$0	No funds used.
	\$225,000	\$0	

Watershed	Approved Nonlapsing	Amount Spent in FY 2013	Explanation/Detail
Projects Started in 2012	\$700,000	\$32,300	Several projects completed

Forestry, Fire, and State Lands	Approved Nonlapsing	Amount Spent in FY 2013	Explanation/Detail
Utah Lake Special Master	\$375,000	\$2,400	Funds were used to pay for "no trespassing" signs to be used on Sovereign Lands. The Utah Lake Special Master Funds are no longer needed for their intended use as a court order has been made.
Bear River Bird Refuge Dispute	\$100,000	\$0	No funds used.
Little Willow Water Line	\$35,000	\$500	Funds used to pay for Little Willow pipeline location for new construction project in area so pipeline was not damaged.
Navigational Hazards Removal	\$20,000	\$0	No funds used.
Lands Maintenance	\$50,000	\$0	No funds used.
Lease Tracking System	\$20,000	\$11,800	Funds used to pay AGRC for ongoing development costs of the lease tracking system.
	\$600,000	\$14,700	

Oil, Gas, and Mining	Approved Nonlapsing	Amount Spent in FY 2013	Explanation/Detail
Mining Special Projects/Studies	\$250,000	\$9,500	New 6 Mine Bond was inadequate to cover the costs of reclamation--therefore, a small amount was used. Mineral program staff oversaw the reclamation of this site. Other emergency mining reclamation costs were not incurred this FY.
Computer Equipment/Software	\$50,000	\$43,200	Replacement computers were purchased for computers older than 4 years. Software purchases for video-conferencing capabilities.
Employee Training/Incentives	\$50,000	\$12,600	Incentive Awards given to deserving employees.
Equipment/Supplies	\$50,000	\$38,600	Office Equipment and Furnishings for the SLC and Vernal Office Buildings.
	\$400,000	\$103,900	

Wildlife Resources	Approved Nonlapsing	Amount Spent in FY 2013	Explanation/Detail
Landowner Payments	\$100,000	\$0	Did not end carry forward any funding into FY 2013.

Wildlife Resources Capital	Approved Nonlapsing	Amount Spent in FY 2013	Explanation/Detail
Capital Equipment/Improvements	\$800,000	\$0	No funds used.

Parks and Recreation	Approved Nonlapsing	Amount Spent in FY 2013	Explanation/Detail
Habitat on Antelope Island	\$283,500	\$0	No funds used.
Computer Equipment/Software	\$82,000	\$0	No funds used.
Employee Training/Incentives	\$30,000	\$0	No funds used.
Special Projects/Studies	\$32,000	\$0	No funds used.
Brochures	\$25,000	\$0	No funds used.
Forms & Printing	\$32,000	\$0	No funds used.
Interns	\$6,000	\$0	No funds used.
	\$490,500	\$0	

Utah Geological Survey	Approved Nonlapsing	Amount Spent in FY 2013	Explanation/Detail
Mineral Lease Projects	\$1,500,000	\$536,270	Used to fund the UGS cost share component of numerous Energy contracts with both Federal Government and Dedicated Credit partners.
Computer Equipment/Software	\$60,000	\$0	Due to reducing Mineral Lease funds and Land Exchange Distribution, UGS was cautious with spending.
Equipment/Supplies	\$40,000	\$0	Due to reducing Mineral Lease funds and Land Exchange Distribution, UGS was cautious with spending.
Employee Training/Incentives	\$30,000	\$0	Due to reducing Mineral Lease funds and Land Exchange Distribution, UGS was cautious with spending.
	\$1,630,000	\$536,270	

Water Resources	Approved Nonlapsing	Amount Spent in FY 2013	Explanation/Detail
Computer Equipment/Software	\$30,000	\$0	No funds used.
Equipment/Supplies	\$20,000	\$0	No funds used.
Special Projects/Studies	\$100,000	\$0	No funds used.
Water Conservation Materials	\$25,000	\$0	No funds used.
Current Expenses	\$25,000	\$0	No funds used.
	\$200,000	\$0	

Water Rights	Approved Nonlapsing	Amount Spent in FY 2013	Explanation/Detail
Equipment/Supplies	\$50,000	\$0	No funds used.
Special Projects/Studies	\$150,000	\$0	No funds used.
Computer Equipment/Software	\$90,000	\$0	No funds used.
Employee Training/Incentives	\$30,000	\$0	No funds used.
Current Expenses	\$30,000	\$0	No funds used.
	\$350,000	\$0	

Public Lands Office

Public Lands Office	Approved Nonlapsing	Amount Spent in FY 2013	Explanation/Detail
Litigation Expenses	\$400,000	\$322,000	Litigation expenses.

Department of Environmental Quality

Air Quality	Approved Nonlapsing	Amount Spent in FY 2013	Explanation/Detail
Reducing Future Operating Permit Fees	\$100,000	\$0	At the end of FY 12, the OPP program had no surplus to carry over into FY13.

DEQ Executive Director's Office	Approved Nonlapsing	Amount Spent in FY 2013	Explanation/Detail
High Level Nuclear Waste Opposition	\$129,500	\$1,500	This was paid to a law firm that is working on this project.
Technical Support Center	\$450,000	\$0	State mail pulled out of their agreement to let us take their space so the anticipated work was not done. We are looking at other spaces to help improve the AMC and Water Quality lab to move into.
	\$579,500	\$1,500	

Other Intent Language

The following pieces of intent language were included in H.B. 2, New Fiscal Year Supplemental Appropriations Act, 2012 General Session.

Department of Agriculture and Food

Agriculture General Administration

1. *The Legislature intends that the Department of Agriculture and Food purchase five vehicles in FY 2013 for use in the department.*

Vehicle Make & Model	Cost
2013 Ford F150 XL	\$27,200
2013 Ford F150 XL	\$27,200
2013 Toyota Prius	\$16,300
2013 Toyota Prius	\$16,300
Total	\$87,000

Agriculture—Resource Conservation

2. *The Legislature intends that the Department of Agriculture and Food and the Utah Association of Conservation Districts provide a detailed report to the Natural Resources, Agriculture, and Environmental Quality Appropriations Subcommittee no later than November 30, 2012 on how the funding for Agricultural Resource Development Loan (ARDL), Grazing Improvement Projects (GIP), and Conservation District support has been used.*

The two organizations reported to the subcommittee as required.

Agriculture—Loans

3. *The Legislature intends that \$1,144,600 from the appropriation provided to the Resource Conservation line item be transferred to the Utah Association of Conservation Districts for Agriculture Resource Development Loan (ARDL) and Conservation District support.*

Department of Agriculture and Food reported that they created a contract between the department and the Utah Association of Conservation Districts (UACD) and transferred the \$1,44,600 to UACD.

Department of Natural Resources

DNR Administration

4. *The Legislature intends that \$50,000 be transferred to the Bear Lake Regional Commission to be used for watershed improvement projects.*

Bear Lake Commission applied for funding to shape and restore 1500 linear feet of stream-bank in Rich County. The department released \$25,000 to provide initial funding for the project. The commission submitted an invoice with documentation for an additional \$14,400 for work on the stream bank. So, the total amount paid to Bear Lake for watershed improvement projects in FY 2013 was \$39,400.

5. *The Legislature intends that the Department of Natural Resources and SITLA will work with DFCM to identify a location for a future regional office in the Richfield area and a source of funding for the facility. The Legislature further intends that an economic analysis of the project will be performed and the results will be reported to the Natural Resources, Agriculture, and Environmental Quality Appropriations Subcommittee on its findings by no later than October 30, 2012.*

The agencies did not report to the subcommittee as required by the intent language. DNR reported that they have met with representatives from SITLA and DFCM to identify a location for the future Richfield regional area office to house employees from SITLA and DNR divisions of Forestry, Fire and Lands, Wildlife Resources, and Water Rights.

As directed by the intent language, funding sources were discussed including an option whereby SITLA would provide financing for the building under a lease-to-own arrangement with DNR. During the research process DNR identified an additional alternative for the regional structure through a potential agreement with Sevier County. DNR reported that they completed the implementation of this intent language in 2013.

Wildlife Operations

6. *The Legislature intends that up to \$700,000 of Wildlife Resources budget may be used for big game depredation expenses. The Legislature also intends that half of these funds be from the General Fund Restricted - Wildlife Resources account and half from the General Fund. The Legislature further intends that this appropriation shall not lapse at the close of FY 2012.*

The Division of Wildlife Resources used 100% of the funding available for the big game depredation program. DWR spent \$ 688,671 for landowner payments, with additional \$217,718 for fencing projects costs. The additional costs were covered with other funds (such as Dedicated Credits).

7. *The Legislature intends that up to \$140,000 be spent on livestock damage. \$90,000 will be from the General Fund and up to \$50,000 will be from the General Fund Restricted - Wildlife Resources account.*

Since the total claims for FY 2013 (\$163,662) exceeded the amount specified in the legislative intent language, DWR prorated the payments at 85.5%.

Parks

8. *The Legislature intends that the proceeds of the hunts for bison, deer and Bighorn sheep on Antelope Island, up to the amount of \$300,000, be used on Antelope Island State Park. Both conservation and regular hunts will be coordinated through a cooperative agreement between the Division of State Parks and the Division of Wildlife Resources.*

The hunt was coordinated through a cooperative agreement as directed by the intent language. The auction generated \$342,000 in revenues for the Division of Parks and Recreation.

9. *The Legislature intends that the Division of Parks and Recreation complete its study of state owned golf course management, including completion of a study by the National Golf Foundation, and upon completion of the study, the division will provide recommendations on whether to contract for non-governmental management of state owned golf courses through the issuance of a request for proposal (RFP). The Legislature further intends that the division report to the Natural Resources, Agriculture, and Environmental Quality Appropriations Subcommittee on its findings by no later than October 30, 2012.*

The study was conducted by the National Golf Foundation (NGF) and cost \$40,000. During the 2013 legislative session, the division provided a summary of the golf study to the subcommittee. Since then, the division issued a request for information (RFI.) One potential vendor responded to the RFI. The division is currently clarifying several questions that arose from the RFI.

10. *The Legislature intends that the \$50,000 appropriation increase for This Is the Place Heritage Park be transferred to the park only after the park has received matching funds of at least \$50,000 from Salt Lake City and at least \$50,000 from Salt Lake County.*

This Is the Place Heritage Park did not receive the matching funds and no funding was transferred to the heritage park. The division, however, did not lapse the state appropriation for FY 2013 to the General Fund.

Water Rights

11. *The Legislature intends that the Department of Natural Resources study water rights issues and report to the Natural Resources, Agriculture, and Environment Interim Committee on or before their October 2012 meeting.*

The department reported to the interim committee as required.

The following pieces of legislative intent were included in H.B. 3, Current Fiscal Year Supplemental Appropriations, 2013 General Session.

Public Lands Policy Coordination Office

12. The Legislature intends that the Public Lands Policy Coordination Office purchase a vehicle in FY 2013.

Purchased a Toyota Cruiser for \$29,300 in September 2013.

Office of Energy Development

13. The Legislature intends that the Office of Energy Development purchase a vehicle in FY 2013.

Purchased a 2012 HONDA CIVIC GX for \$16,300 in June 2013.