

**MINUTES OF THE
JOINT TRANSPORTATION & ENVIRONMENTAL QUALITY
APPROPRIATIONS SUBCOMMITTEE
ROOM 416, STATE CAPITOL BUILDING**

Monday, February 15, 1999

MEMBERS PRESENT: Sen. Peter Knudson, Co-Chair
 Rep. Marda Dillree, Co-Chair
 Rep. Don E. Bush
 Rep. Carl W. Duckworth
 Sen. Mont Evans
 Rep. Wayne A. Harper
 Rep. Neal B. Hendrickson
 Rep. Dennis H. Iverson
 Rep. Karen W. Morgan
 Rep. Joseph G. Murray
 Rep. David Ure

MEMBERS ABSENT: Sen. Lane Beattie
 Sen. Scott Howell
 Rep. Kevin S. Garn

STAFF PRESENT: Mark C. Bleazard, Fiscal Analyst
 Jennifer Rowen, Committee Secretary

MOTION: Rep. Hendrickson moved that the minutes of February 8 & 10 be approved. The motion passed with Reps. Evans, Duckworth, Iverson, and Morgan absent for the vote.

DEPARTMENT OF TRANSPORTATION

The Analyst reviewed previous actions of the committee on the FY 2000 Transportation budget and the intent language previously adopted and recommended further intent language for the committee to consider.

MOTION: Rep. Murray moved to adopt the following intent language for **Equipment Management**:

It is the intent of the Legislature that no Transportation Funds or transfers from the Department of Transportation's budget be used for capital purchases in the Division of Fleet Operation budget.

The motion passed with Rep. Iverson and Senator Evans absent for the vote.

MOTION: Rep. Hendrickson moved that the following intent language for Construction, Engineering Services, Maintenance Management, Mineral Lease, Sidewalk Construction and Region Management be adopted.

Construction

It is the intent of the Legislature that there is appropriated to the Department of Transportation from the Transportation Fund, not otherwise appropriated, a sum of sufficient, but not more than the surplus of the Transportation Fund, to be used by the Department for the construction, rehabilitation, and preservation of State highways in Utah.

It is the intent of the Legislature that the appropriation fund first, a maximum participation with the federal government for the construction of federally designated highways, as provided by law; next the rehabilitation and preservation of State highways, as provided by law, and last, the reconstruction of State highways, as funding permits.

It is also the intent of the Legislature that the FTEs for field crews may be adjusted to accommodate the increase or decrease in the Federal Construction Program. No portion of the money appropriated by this item shall be used either directly or indirectly to enhance or increase the appropriations otherwise made by this act to the Department of Transportation for other purposes.

Engineering Services

It is the intent of the Legislature that the Department of Transportation continue to implement the adjustment improvements contained in their Performance Management Initiative Internal Plan. This plan will continue to be updated and coordinated through the Performance Management Team, with the approval from and implementation directed by the Department's Executive Director.

It is the intent of the Legislature that the Department make a report to the Interim Executive Appropriations Committee and Transportation Interim Committee prior to the General 2000 Legislative Session, indicating the efficiencies and cost reductions that have been achieved and those that are anticipated as a result of implementing these improvement actions.

It is the intent of the Legislature that the Department of Transportation, in conjunction with these improvement initiatives, be given authorization to adjust the assignment of FTE positions between line items as may be necessary in order to achieve the objectives of this plan. Such reassignments of FTE positions will be included in the report to the Interim Executive Appropriations Committee and Transportation Interim Committee and any transfer of finding will be facilitated through a supplemental appropriations request in the 2000 Session.

Maintenance Management

It is the intent of the Legislature that any and all collections or cash income from the sale or salvage of land and buildings, except where provided by law, are to be lapsed to the Transportation Fund.

Mineral Lease

It is the intent of the Legislature that the funds appropriated from the Federal Mineral Lease Account shall be used for improvement or reconstruction of roads not on the state road system that have been heavily impacted by energy development. It is also the intent of the Legislature that private industry engaged in developing the State's natural resources be encouraged to participate in the construction of the roadway leading to their facilities. The funds appropriated for improvement or reconstruction of energy impacted roads that are not on the State Road System are nonlapsing.

Sidewalk Construction

It is the intent of the Legislature that the funds appropriated from the Transportation Fund for pedestrian safety projects be used specifically to correct pedestrian hazards on state highways. It is also the intent of the Legislature that local authorities be encouraged to participate in the construction of pedestrian safety devices. The appropriated funds are to be used according to the criteria set forth in section 27-14-5 of the Utah code annotated, 1953. The funds appropriated for sidewalk construction shall not lapse. If local governments cannot use their allocation of sidewalk safety funds in two years, these funds then will be available for other governmental entities which are prepared to use the resources. It is the intent of the Legislature that a local participation in the sidewalk construction program be on a 75/25 match basis.

Regional Management

It is the intent of the Legislature that the Utah Department of Transportation pursue the relocation of its Region 3 Headquarters Office in Orem if a replacement facility can be obtained at a cost which is not greater than the value received from the disposition of the existing Headquarters property. It is assumed that no less than market value will be accepted and that a competitive Request for Proposal process will be followed. If this condition can be satisfied, it is further the intent of the Legislature that the Division of Facilities Construction and Management work with the UDOT to acquire and/or construct a facility which meets the needs of UDOT without additional funding.

The motion passed with Rep. Iverson and Senator Evans absent for the vote.

The committee discussed different programs where unused money can be shifted. The Analyst discussed adjustment possibilities.

MOTION: Rep. Harper moved that unused monies coming from Risk Management be placed into the Centennial Highway Fund rather than the Construction Fund.

UDOT spoke to the motion.

The subcommittee discussed the motion and the response of UDOT.

QUESTION ON THE MOTION: Rep. Hendrickson moved for a question on the motion. The

motion failed with Reps. Bush, Harper, and Ure voting in favor of the motion.

Rep. Harper summed up his motion. The motion failed with Reps. Harper and Murray in favor and Sen. Evans and Rep. Ure absent for the vote.

Tom Warne of UDOT responded to additional questions of the subcommittee.

MOTION: Rep. Murray moved to adopt the committee action of the UDOT FY2000 Budget of \$597,474,500.

Senator Knudson spoke to the motion and expressed opposition to the Weber County road construction.

SUBSTITUTE MOTION: Rep. Harper moved that the savings from Risk Management be moved to the Centennial Highway Fund and that no credit be given to the Department for savings. The additional funds (\$2,353,900) from construction of sheds and buildings will go to the Construction Budget.

Tom Warne of UDOT responded to the substitute motion.

The motion failed with Reps. Harper and Murray voting in favor and Sen. Evans and Reps. Iverson and Ure absent for the vote.

SUBSTITUTE MOTION: Rep. Knudson moved that the FY 2000 Budget be approved with the committee's prior action except \$100,000 for the Avon/Paradise road in Weber County. The motion failed with Reps. Bush and Hendrickson, and Senator Knudson voting in favor.

ORIGINAL MOTION: The motion failed with Reps. Bush, Duckworth, Harper, Hendrickson, Morgan, Murray, and Dillree voting in favor, and Senator Evans, and Reps. Iverson and Ure absent for the vote.

MOTION: Rep. Hendrickson moved to move to the next item on the agenda. The motion passed with Sen. Evans and Rep. Ure absent for the vote.

DEPARTMENT OF ENVIRONMENTAL QUALITY

The Analyst discussed the committee's current actions and intent statements.

MOTION: Rep. Hendrickson moved that the following intent language be put into the FY 1999 Supplement Budget.

It is the intent of the Legislature that remaining funds in the Sharon Steel litigation fund be lapsed to the Hazardous Substance Mitigation Fund to be used as matching money for the State's share of Sharon Steel Cleanup Project.

It is the intent of the Legislature that money remaining in the Underground Storage Tank Cleanup appropriations be transferred to the Petroleum Storage Tank Cleanup Fund, to be used for the purpose of cleaning up leaking underground storage tank sites that are not covered under the Petroleum Storage Tank Expendable Trust Fund.

The motion passed unanimously with Sen. Evans absent for the vote.

MOTION: Rep. Hendrickson moved that the following intent language be approved:

It is the intent of the Legislature that any unexpended funds in the Air Operating Permit Program in FY 1999 are non-lapsing and authorized for use in the Operating Permit Program in FY 2000 to reduce emission fees.

The motion passed unanimously with Sen. Evans absent for the vote.

MOTION: Rep. Ure moved that the following intent language be approved:

It is the intent of the Legislature that funding provided to hire a full time attorney to recover Petroleum Storage Tank Trust Funds and Petroleum Storage Tank Cleanup Funds be used exclusively for that purpose. It is the intent of the Legislature that this funding is to be considered a one time appropriation.

It is the intent of the Legislature that the Department of Environmental Quality handle hazardous materials cleanups during FY 2000 from existing funds currently available to the Department.

The motion passed with Sen. Evans absent for the vote.

MOTION: Rep. Ure recommended the following intent language be adopted by the subcommittee:

It is the intent of the Legislature that all groundwater quality permitting activities be performed within the Division of Water Quality to provide more efficient use of limited resources. Any funding associated with these activities should be used within the Division of Water Quality.

Diane Nieson, of DEQ spoke against the motion.

Rep. Ure withdrew the motion.

MOTION: Rep. Ure moved that the following fees be approved:

The motion passed with Reps. Harper and Morgan voting in opposition

MOTION: Rep. Hendrickson moved to change the committee actions of \$75,644,100 to reflect the following additions to the DEQ Budget:

Air Quality	\$65,000
Dedicated Credits	\$63,700
Petroleum Storage Tank Fund	\$87,200

And approve the DEQ Budget with these changes to the total \$75,860,000.

SUBSTITUTE MOTION: Rep. Harper moved that the committee accept its previous actions of \$75,644,100 with the following increases:

Water Quality FTE and fees for one year	\$63,700
Attorney funded out of Petroleum Storage Tank Fund	\$87,200

The motion failed with Reps. Bush, Harper, Murray, Morgan and Ure voting in favor.

ORIGINAL MOTION: The motion passed with Reps. Bush, Harper, Morgan and Ure opposing the motion.

MOTION: Rep. Hendrickson moved that the following intent language be accepted by the committee:

It is the intent of the Legislature that funds appropriated for the purpose of addressing high level nuclear waste shall be nonlapsing.

The motion passed with Reps. Bush, Harper and Iverson in opposition and Rep. Ure and Senator Evans absent for the vote.

MOTION: Rep. Hendrickson moved that the attached fee schedule be approved by the committee (see appendix A). The motion passed with Rep. Harper opposed and Sen. Evans and Rep. Ure absent for the vote.

NATIONAL GUARD

The Analyst reviewed the actions of the subcommittee.

Lieutenant Colonel Peter Wilson spoke to the request of a reinstatement of the \$100,000 Education Assistance Program of the National Guard.

MOTION: Sen. Knudson moved that \$30,000 be taken from the General Fund be appropriated to the National Guard Education Assistance Program.

SUBSTITUTE MOTION: Rep. Hendrickson moved that in addition to the \$30,000 from the General Fund be appropriated to the National Guard Education Assistance Program, the Co-Chairs be required to attend the Executive Appropriations meeting and request \$70,000 of additional funds for the program. The substitute motion passed with Sen. Evans and Rep. Ure absent for the vote.

MOTION: Rep. Harper moved that the committee approve the subcommittee actions on the National Guard FY 2000 Budget as the official budget for the National Guard in the amount of \$13,116,400. The motion passed with Sen. Evans and Rep. Ure absent for the vote.

MOTION: Rep. Harper moved that the Co-Chairs attend the Executive Appropriations meeting and present the following requests and priorities for additional funds in the following amounts for the National Guard:

Educational Assistance Program	\$ 70,000
Fort Douglas Military Museum 1 time funding	\$ 92,000
On going maintenance for Armory at UVSC	\$126,000

SUBSTITUTE MOTION: Rep. Murray moved that the Co-Chairs attend the Executive Appropriations meeting and present the following requests for additional funds for the National Guard with the following amounts and priorities:

Educational Assistance Program	\$70,000
Fort Douglas Military Museum 1 time funding	\$92,000

The motion passed with Sen. Evans and Rep. Ure absent for the vote.

MOTION: Rep. Murray moved that the Co-Chairs attend the Executive Appropriations meeting and present the following requests for additional funds:

On going maintenance for Armory at UVSC	\$56,000
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The motion passed with Rep. Hendrickson in opposition and Sen. Evans and Rep. Ure absent for the vote.

MOTION: Rep. Murray moved that the committee adjourn.

Co-Chair Dillree adjourned the meeting at 4:40 p.m.

Peter Knudson, Co-Chair

Marda Dillree, Co-Chair

Appendix A

