

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

Monday, February 12, 2001

MEMBERS PRESENT: Sen. Michael Waddoups, Co-Chair
Rep. Don E. Bush, Co-Chair
Sen. Millie Peterson
Sen. Terry Spencer
Rep. Stephen D. Clark
Rep. Neil A. Hansen
Rep. Wayne A. Harper
Rep. Neal B. Hendrickson
Rep. Joseph G. Murray
Rep. Merlynn T. Newbold
Rep. Max W. Young

MEMBERS EXCUSED: Sen. Al Mansell

STAFF PRESENT: Mark C. Bleazard, Fiscal Analyst
Janece Stock, Committee Secretary

Chair Rep. Bush called the meeting to order at 2:08 p.m.

MOTION: Sen. Peterson moved to approve the minutes of February 7, 2001.
The motion passed unanimously with Rep. Harper absent for the vote.

Scott Northard, Director of Nuclear Asset Management, Private Fuel Storage, and Leon Bear, Chairman of the Skull Valley Band of Goshute Indian Tribe executive committee, gave a rebuttal to comments made during the February 9, 2001, ATEQ subcommittee meeting and answered questions from the committee.

MOTION: Rep. Harper moved to included intent language for UDOT as follows:

“It is the intent of the Legislature that the Department of Transportation, in conjunction with the Transportation Commission, and Wasatch Front Regional Council, prepare a Salt Lake County ten-year transportation plan, which will include the environmental assessment study for the Western Transportation Corridor as part of that plan, preservation of key properties in that corridor, and funding sources and requirements.”

Responses were given by Tom Warne, UDOT, and Sam Klemm, Wasatch Front Regional Council.

The motion passed with Sen. Peterson and Rep. Young voting in opposition.

MOTION: Rep. Newbold moved to eliminate the additional 21 FTEs and funding for I-15 maintenance.

Tom Warne, UDOT, gave a response in opposition to the motion.

SUBSTITUTE

MOTION: Sen. Peterson moved to approved the original budget of \$550,106,600 for UDOT.

MOTION: Rep. Clark moved to cut off debate.
The motion passed unanimously.

The substitute motion passed with Rep. Harper voting in opposition.

MOTION: Sen. Peterson moved to approve the National Guard budget of \$15,473,900 and the Department of Environmental Quality budget of \$70,638,200.

SUBSTITUTE

MOTION: Rep. Harper moved to approve the National Guard budget and the Department of Environmental Quality budget with the following amendment and intent language:

Reduction of \$500,000 from DEQ General Fund appropriations to fund S.B. 198

“It is the intent of the legislature that this is a one-time appropriation for FY 2001/2002. If the State is engaged in legal challenges to the storage of high level nuclear waste in Utah, then this funding will be reviewed in the 2002 Legislative session to determine if it needs to be continued.”

DEQ response in opposition was given by Dianne Nielson.

The substitute motion failed with Rep. Harper, Rep. Hendrickson, Rep. Bush, and Sen. Waddoups voting yes.

Rep. Hendrickson requested a division of the two budgets for the vote.

The motion for the National Guard budget passed unanimously

The motion for the DEQ budget failed with Rep. Harper, Rep. Hendrickson, Rep. Murray, Rep. Newbold, Rep. Bush and Rep. Waddoups voting in opposition.

MOTION: Sen. Waddoups moved to adopt the Fee Schedule as previously presented.

SUBSTITUTE

MOTION: Rep. Hendrickson moved to amend the Division of Radiation Control fees as follows:

A. Funding Inspection and Oversight

1. Delete Annual Inspection Fees:

For FY01

~~Annual oversight and inspection fee for Containerized Class A low level Radioactive Waste Disposal Facility: \$40,000~~

For FY02

~~Annual oversight and inspection fee for Containerized Class A low level Radioactive Waste Disposal Facility: \$160,000~~

2. Add the following appropriation.

Appropriate as a supplemental FY01 appropriations from the Environmental Quality Restricted Account \$40,000 for oversight of containerized Class A waste. Appropriate as FY02 appropriation from the Environmental Quality Restricted account \$160,000 for oversight of Class A Containerized waste. Disposal fees collected on pre-1978 uranium and thorium mill tailings disposed in low-level waste cells will provide additional funding for the Environmental Restricted Account.

B. Funding for generator site access.

1. Delete fees from the 2001 Supplemental of \$39,000.

2. Appropriate as a supplemental FY01 appropriation from the Environmental Quality Restricted Account, \$39,000 to support staffing of site access license program.

Responses to the substitute motion were given by Brent Bradford, Bill Sinclair and Dianne Nielson of DEQ, and Ken Alcoma of Envirocare of Utah.

The substitute motion passed unanimously.

MOTION: Sen. Peterson moved to ask the Chairs to approve additional one-time general funds to add the following amounts to the previously approved budgets:

\$ 50,000	DOT Safe Sidewalks
\$ 152,000	DOT Aeronautics (airport construction)
\$ 100,000	NG Veterans' Cemetery
\$ 50,000	NG Tuition Appropriation
\$ 300,000	DEQ High Level Nuclear Waste

SUBSTITUTE

MOTION: Rep. Harper moved to also include the intent language as follows:

Department of Environmental Quality

“It is the intent of the Legislature that funds appropriated in FY 2002 for the purpose of addressing high level nuclear waste be non-lapsing.”

“It is the intent of the Legislature that any unexpended funds in the Air Operating Permit Program are non-lapsing and authorized for use in the Operating Permit Program in FY 2002 to reduce emission fees.

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 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 any unexpended Groundwater Permit Administration fees are non-lapsing and authorized for use in the Groundwater Permit Administration Program in the following fiscal year to reduce the fees charged.

It is the intent of the Legislature that the Department of Environmental Quality utilize currently authorized and vacant FTE positions, and the budget pertaining to those positions, to fulfill the requirements of any legislation enacted during the 2001 General Session, which adds FTE positions to that Department.

It is the intent of the Legislature that the Executive Director of the Department of Environmental Quality may accept and expend funds under the provision of UCA 19-1-202(2)(c) for review of Radioactive Waste license

amendments for disposal of Containerized Class A Low Level Radioactive Waste. Any funding received by the Executive Director for review of radioactive license amendments for disposal of Containerized A Low Level Radioactive Waste shall be non-lapsing.

It is the intent of the Legislature that the \$125,000 appropriated to the Department of Environmental Quality from the Environmental Quality Restricted Account for the development of a Generator Site Access license data base and electronic license system be non-lapsing until the design and implementation of the system is completed. At the end of the fiscal year in which the system is completed, any funds remaining from the appropriation will lapse into the Environmental Quality Restricted Account.

It is the intent of the Legislature that the Department of Environmental Quality implement an internal Performance Management Initiative that assesses efficient use of Department personnel and budgets. This plan will continue to be updated and coordinated through a Department 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 Joint Subcommittee for Transportation and Environmental Quality to the General 2002 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 Environmental Quality, in conjunction with these improvement initiatives, be given authorization to adjust the assignment of FTE positions between program 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

Joint Subcommittee for Transportation and Environmental Quality and any transfer of funding will be facilitated through a supplemental appropriations request in the 2002 Session.”

Utah Department of Transportation - Construction Management

“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 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 construction 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.”

Utah Department of Transportation – 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 2002 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 funding will be facilitated through a supplemental appropriations request in the 2002 Session.”

Utah Department of Transportation – 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 are to be lapsed to the Transportation Fund.”

Utah Department of Transportation – 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 highways not on the State Highway System that have been heavily impacted by energy development. It is also the intent of the Legislature that private industries engaged in developing the State's natural resources be encouraged to participate in the construction of highways leading to their facilities.”

Utah Department of Transportation – Sidewalk Construction

“The funds appropriated for improvement or reconstruction of energy impacted highways that are not on the State Highway System are non-lapsing.

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 72-8-104, 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 will then be available for other governmental entities which are prepared to use the resources.

It is the intent of the Legislature that local participation in the Sidewalk Construction Program be on a 75/25 match basis.”

The substitute motion passed with Rep. Clark and Rep. Young voting in opposition.

MOTION: Sen. Peterson moved to approve the DEQ budget of \$70,638,200 with the suggestion that the Chairs consider the DEQ budget as an interim study.

Rep. Clark called for the question. The call passed unanimously.

The motion passed with Rep. Harper and Rep. Hendrickson voting in opposition.

Lieutenant Colonel Pete Wilson, Utah National Guard, requested that the equipment used by the Veterans' Cemetery remain at the cemetery in order to free up the one-time appropriation of \$152,000 for other uses.

MOTION: Rep. Clark moved to add intent language to the National Guard budget as follows:

“It is the intent of the Legislature to leave the Parks and Recreation Department equipment at the Veterans’ Cemetery for one year until additional funds are appropriated for equipment in the National Guard budget”

The motion passed unanimously.

MOTION: Sen. Waddoups moved to approve the FTEs of 418 for the DEQ, 133 for the National Guard, and 1,820 for UDOT.

Tom Warne spoke in response to the FTEs for UDOT.

The motion failed in the Senate with Sen. Peterson and Sen. Spencer voting in opposition.

MOTION: Sen. Peterson moved to adjourn.
The motion passed unanimously.

The meeting adjourned at 4:54 p.m.

Rep. Don E. Bush, Co-Chair

Sen. Michael Waddoups, Co-Chair