

**MINUTES OF THE
NATURAL RESOURCES, AGRICULTURE, AND ENVIRONMENTAL QUALITY
APPROPRIATIONS SUBCOMMITTEE**

Monday, February 13, 2017 • 4:00 p.m. • 210 Senate Building

Members Present:

Sen. David P. Hinkins, Senate Chair
Rep. Ken Ivory, House Chair
Rep. Scott H. Chew, House Vice Chair
Sen. Jim Dabakis
Sen. Margaret Dayton
Sen. Don L. Ipson
Sen. Evan J. Vickers
Rep. Kay J. Christofferson
Rep. Susan Duckworth
Rep. Brian M. Greene
Rep. Stephen G. Handy
Rep. Timothy D. Hawkes
Rep. Karen Kwan

Rep. Michael E. Noel
Rep. Lee B. Perry
Rep. Marc K. Roberts
Rep. Keven J. Stratton

Members Absent:

Sen. Peter C. Knudson
Sen. Ralph Okerlund

Staff Present:

Mr. Ivan D. Djambov, Fiscal Analyst
Mr. Alexander R. Wilson, Fiscal Analyst
Ms. Greta G. Rodebush, Administrative Assistant

Note: A list of others present, a copy of related materials, and an audio recording of the meeting can be found at le.utah.gov.

Chair Ivory called the meeting to order 4:09 p.m.

1. Approval of Minutes

There were no minutes to approve.

2. Greater Sage - Grouse Litigation

Ms. Bridget Romano, Civil Chief Deputy, Attorney General, discussed the building block request for Greater-Sage Grouse Litigation - \$1,000,000 FY 2018 General Fund One-time.

3. Final Voting

[Voting Packet](#)

Mr. Ivan Djambov, Fiscal Analyst, LFA, reviewed the contents of the voting packet.

1. Federal Funds

Chair Ivory called attention to Item 1 - Federal Funds on page 1 of the voting packet.

MOTION: Sen. Hinkins moved to approve the federal funds requested by the agencies, as presented by the Fiscal Analyst on February 3, 2017 in the document titled [Agencies' Requests for Federal Funds](#) that can be found on the subcommittee's webpage under link "New Federal Funds."

The motion passed with a vote of 17-0-2.

Voting in the affirmative were:

Hinkins D, Ivory K, Chew S, Dabakis J, Dayton M, Ipson D, Vickers E, Christofferson K, Duckworth S, Greene B, Handy S, Hawkes T, Kwan K, Noel M, Perry L, Roberts M, Stratton K

Absent or not voting were:

Knudson P, Okerlund R

2. Fees

Mr. Djambov introduced Item 2 - Fees on page 1 of the voting packet. He referred to Item 2b, which includes five new fees for the Office of Energy Development (OED). Mr. Djambov indicated that in order for the new fees to take effect, the Legislature would need to pass legislation authorizing the OED to charge fees.

MOTION: Sen. Hinkins moved to approve the fees for the agencies in this subcommittee, as presented by the Fiscal Analyst on February 3, 2017 that can be found on the subcommittee's webpage under "[New Fees Bill \(SB0008\)](#)," with the changes listed on page 1 of the voting packet.

The motion passed with a vote of 17-0-2.

Voting in the affirmative were:

Hinkins D, Ivory K, Chew S, Dabakis J, Dayton M, Ipson D, Vickers E, Christofferson K, Duckworth S, Greene B, Handy S, Hawkes T, Kwan K, Noel M, Perry L, Roberts M, Stratton K

Absent or not voting were:

Knudson P, Okerlund R

3. Legislative Intent Language

Mr. Djambov discussed Item 3 - Legislative Intent Language on pages 2 through 6 of the voting packet.

Rep. Noel made a request to add some new intent language to the list.

Mr. Djambov asked Rep. Noel to email him the intent language to display on overhead screens and desktop monitors.

Sen. Hinkins suggested that the subcommittee move onto Item 4 - Internal Transfers and return to Item 3 - Fees after the subcommittee has had an opportunity to review Rep. Noel's intent language.

4. Internal Transfers

Mr. Djambov introduced Items 4A - DEQ Internal Transfers, 4B - Agriculture Internal Transfers, and 4C - SITLA Internal Transfers on page 6 of the voting packet.

MOTION: Sen. Hinkins moved to approve the internal transfers within the Department of Environmental Quality as listed for Item 4A; the internal transfers within the Department of Agriculture and Food as listed for Item 4B; and the internal transfers within SITLA as listed for Item 4C on page 6 of the voting packet.

The motion passed with a vote of 17-0-2.

Voting in the affirmative were:

Hinkins D, Ivory K, Chew S, Dabakis J, Dayton M, Ipson D, Vickers E, Christofferson K, Duckworth S, Greene B, Handy S, Hawkes T, Kwan K, Noel M, Perry L, Roberts M, Stratton K

Absent or not voting were:

Knudson P, Okerlund R

Mr. Djambov displayed Rep. Noel's intent language.

Rep. Noel pointed out that the sum of the appropriations in the intent language was greater than the appropriation amount on Line 2, Foundation for Integrated Resource Management (FIRM), listed on Item 6B - One-Time General Fund Priority List for EAC on page 8 of the voting packet. Chairs Ivory and Hinkins indicated that the amount could be changed when the subcommittee considers Item 6B later on in the meeting.

3. Legislative Intent Language (continued)

MOTION: Sen. Hinkins moved to approve the legislative intent language as presented, starting on page 2 of the voting packet.

The motion passed with a vote of 17-0-2.

Voting in the affirmative were:

Hinkins D, Ivory K, Chew S, Dabakis J, Dayton M, Ipson D, Vickers E, Christofferson K, Duckworth S, Greene B, Handy S, Hawkes T, Kwan K, Noel M, Perry L, Roberts M, Stratton K

Absent or not voting were:

Knudson P, Okerlund R

5. Non-General Fund Increases

Mr. Djambov introduced Item 5 - Non General Fund Increases on page 7 of the voting packet.

Rep. Christofferson noted that \$50,000 FY 2018 Ongoing needed to be added to Line 6 - DNR - Forestry - Sovereign Lands Management.

MOTION: Rep. Greene moved to amend the Non-General Fund Increases list on page 7, Line 24 - Utah Lake Carp Removal to change \$400,000 FY 2018 Ongoing to \$400,000 FY 2018 One-time.

The motion passed with a vote of 17-0-2.

Voting in the affirmative were:

Hinkins D, Ivory K, Chew S, Dabakis J, Dayton M, Ipson D, Vickers E, Christofferson K, Duckworth S, Greene B, Handy S, Hawkes T, Kwan K, Noel M, Perry L, Roberts M, Stratton K

Absent or not voting were:

Knudson P, Okerlund R

MOTION: Rep. Christofferson moved to add \$50,000 FY 2018 Ongoing to Line 6 - DNR - Sovereign Lands Management, on page 7.

The motion passed with a vote of 17-0-2.

Voting in the affirmative were: Hinkins D, Ivory K, Chew S, Dabakis J, Dayton M, Ipson D, Vickers E, Christofferson K, Duckworth S, Greene B, Handy S, Hawkes T, Kwan K, Noel M, Perry L, Roberts M, Stratton K

Absent or not voting were:

Knudson P, Okerlund R

MOTION: Sen. Hinkins moved to approve the requests for funding from the Non-General Fund Increases as amended on page 7 of the voting packet.

The motion passed with a vote of 17-0-02. Voting in the affirmative were: Hinkins D, Ivory K, Chew S, Dabakis J, Dayton M, Ipson D, Vickers E, Christofferson K, Duckworth S, Greene B, Handy S, Hawkes T, Kwan K, Noel M, Perry L, Roberts M, Stratton K

Absent or not voting were:

Knudson P, Okerlund R

6A. One-Time General Fund: Internal Reallocations

Mr. Djambov briefly explained Items 6A - One-Time General Fund: Internal Reallocations and 6B - One-Time General Fund Priority List for EAC on page 8 of the voting packet.

MOTION: Sen. Hinkins moved to approve Item 6A - One-Time General Fund: Internal Reallocations list as presented in Section A on page 8 of the voting packet.

The motion passed with a vote of 17-0-2.

Voting in the affirmative were:

Hinkins D, Ivory K, Chew S, Dabakis J, Dayton M, Ipson D, Vickers E, Christofferson K, Duckworth S, Greene B, Handy S, Hawkes T, Kwan K, Noel M, Perry L, Roberts M, Stratton K

Absent or not voting were:

Knudson P, Okerlund R

6B. One-Time General Fund Priority List for EAC

MOTION: Rep. Handy moved to amend Line 10 - HB 29 Energy Efficient Vehicles Tax Credit Amendments (Handy, Stephen) on Item 6B to change \$483,600 to \$403,000.

The motion passed with a vote of 17-0-2.

Voting in the affirmative were:

Hinkins D, Ivory K, Chew S, Dabakis J, Dayton M, Ipson D, Vickers E, Christofferson K, Duckworth S, Greene B, Handy S, Hawkes T, Kwan K, Noel M, Perry L, Roberts M, Stratton K

Absent or not voting were:

Knudson P, Okerlund R

MOTION: Rep. Noel moved to amend Line 2 - Foundation for Integrated Resource Management (FIRM) on Item 6B to change \$100,000 to \$400,000.

Rep. Noel explained the intended use of the funding: \$150,000 for the Foundation for Integrated Resource Management (FIRM); \$100,00 for the Rural Utah Alliance; and \$150,000 to the Constitutional Defense Council for rural sovereignty grants.

Sen. Dabakis expressed concern about the funding for the Rural Utah Alliance.

Rep. Stratton spoke in favor of the motion.

Sen. Vickers inquired about the inclusion of intent language.

Rep. Noel withdrew his motion so that intent language could be prepared.

MOTION: Rep. Chew moved to amend Line 16 - Greater Sage-Grouse Litigation on Item 6B to change Public Lands Policy Coordinating Office (PLPCO) to the Office of the Attorney General (OAG).

The motion passed with a vote of 17-0-2.

Voting in the affirmative were:

Hinkins D, Ivory K, Chew S, Dabakis J, Dayton M, Ipson D, Vickers E, Christofferson K, Duckworth S, Greene B, Handy S, Hawkes T, Kwan K, Noel M, Perry L, Roberts M, Stratton K

Absent or not voting were:

Knudson P, Okerlund R

Ms. Kimberley Schmeling, Director of Administration and Finance, OAG, spoke in favor of the motion.

MOTION: Rep. Noel moved to amend Line 2, Foundation for Integrated Resource Management (FIRM) on Item 6B, to change \$100,000 to \$400,000 with the following intent language:

The Legislature intends that the \$150,000 appropriation be used to support the Foundation for Integrated Resource Management's efforts to advocate for the State of Utah's rights to use and access federal public lands for multiple use and sustained yield.

The Legislature intends that the \$100,000 appropriation for Rural Utah Alliance to continue to defend and protect rural counties' interests by providing legal assistance to counties and county officials when faced with public (federal) land use, access and ownership issues. This appropriation may not be used for criminal defense, past or future.

The Legislature intends that the \$150,000 appropriation be used as a grant program to support rural Utah counties and initiatives challenging federal restrictions and actions that prohibit or harm resource use, access and development on public (federal) lands.

The Legislature intends that the Public Lands Coordinating Office utilizes existing funds to acquire a Sports Utility Vehicle to be utilized by attorneys and support staff located in Southern Utah.

The motion passed with a vote of 14-3-2.

Voting in the affirmative were:

Hinkins D, Ivory K, Chew S, Dayton M, Ipson D, Vickers E, Christofferson K, Greene B, Handy S, Hawkes T, Noel M, Perry L, Roberts M, Stratton K

Voting in the negative were: Dabakis J, Duckworth S, Kwan K

Absent or not voting were:
Knudson P, Okerlund R

MOTION: Rep. Christofferson moved to insert Line 16, Greater Sage-Grouse Litigation, between Lines 4 and 5 on Item 6B on page 8 of the voting packet.

The motion failed with a vote of 9-8-2.

Voting in the affirmative were:
Ivory K, Chew S, Christofferson K, Greene B, Hawkes T, Noel M, Perry L, Roberts M, Stratton K

Voting in the negative were:
Hinkins D, Dabakis J, Dayton M, Ipson D, Vickers E, Duckworth S, Handy S, Kwan K
Absent or not voting were:
Knudson P, Okerlund R

MOTION: Sen. Dayton moved to add Utah's Own for \$75,000 to the list as Line 10 - Utah's Own, on Item 6B on page 8 and adjust everything down.

The motion passed with a vote of 16-1-2.

Voting in the affirmative were:
Hinkins D, Ivory K, Chew S, Dabakis J, Dayton M, Ipson D, Vickers E, Duckworth S, Greene B, Handy S, Hawkes T, Kwan K, Noel M, Perry L, Roberts M, Stratton K

Voting in the negative was:
Christofferson K

Absent or not voting were:
Knudson P, Okerlund R

MOTION: Rep. Karen Kwan moved to switch Line 14 - Air Quality Research with Line 13 - Avian Sanctuary and Protection.

SUBSTITUTE MOTION: Rep. Noel moved to approve the list as amended.

The motion passed with a vote of 12-5-2.

Voting in the affirmative were:
Hinkins D, Dayton M, Ipson D, Vickers E, Chew S, Christofferson K, Handy S, Hawkes T, Ivory K, Noel M, Perry L, Stratton K

Voting in the negative were:

Dabakis J, Duckworth S, Greene B, Kwan K, Roberts M

Absent or not voting were:

Knudson P, Okerlund R

7A. Ongoing General Fund: Internal Reallocations

Mr. Djambov explained Item 7A - Ongoing General Fund: Internal Reallocations on page 9 of the voting packet.

MOTION: Sen. Hinkins moved to approve the Ongoing General Fund: Internal Reallocations list as presented in Section A on page 9 of the voting packet.

The motion passed with a vote of 17-0-2.

Voting in the affirmative were:

Hinkins D, Ivory K, Chew S, Dabakis J, Dayton M, Ipson D, Vickers E, Christofferson K, Duckworth S, Greene B, Handy S, Hawkes T, Kwan K, Noel M, Perry L, Roberts M, Stratton K

Absent or not voting were:

Knudson P, Okerlund R

7B. Ongoing General Fund Priority List for EAC

Mr. Djambov called attention to the three requests for appropriation on Item 7B - Ongoing General Fund Priority List for EAC on page 9 of the voting packet.

In regards to Priority 3 - DNR Pass Through Account for Continuation of Contract, the committee expressed concerns about oversight, accountability, reporting, return on investment, and viable options for improving transparency.

Mr. Michael R. Styler, Executive Director, Department of Natural Resources, provided some background information and discussed terms of contract, changes in the contract, quarterly reporting, and the need for better communication.

Mr. Dennis Carver, Finance Director, DNR Administration, clarified that the Office of the Legislator Auditor General had conducted an audit only on the wolf contract.

Sen. Jim Dabakis spoke against funding Priority 3 - DNR Pass Through Account for Continuation of Contract.

MOTION: Sen. Vickers moved to approve the Ongoing General Fund Prioritized List for EAC as presented in Section B on page 9 of the voting packet and to ask EAC to consider additional intent language for Priority 3 to clarify reporting conditions, terms of contract, transparency, scope of contract, and sunset of contract.

Rep. Greene spoke in favor of the motion but was concerned about the ability to add prescriptive intent language.

Sen. Vickers withdrew his motion.

MOTION: Sen. Vickers moved to approve the list on Item 7B with the stipulation that Priority 3 - DNR Pass Through Continuation of Contract sunset after one year.

Rep. Hawkes spoke in favor of the motion and seeking the support of the Executive Appropriations Committee for more oversight, reporting, and accountability.

Rep. Noel spoke to the motion and recommended leaving Priority 3 on the list as is.

SUBSTITUTE MOTION: Sen. Dabakis moved to pass Item 7B - Ongoing General Fund Priority List for EAC to include Priorities 1 and 2 and drop Priority 3 from the 7B list.

The motion failed with a vote of 5-12-2.

Voting in the affirmative were:

Dabakis J, Greene B, Hawkes T, Kwan K, Roberts M

Voting in the negative were:

Hinkins D, Ivory K, Chew S, Dayton M, Ipson D, Vickers E, Christofferson K, Duckworth S, Handy S, Noel M, Perry L, Stratton K

Absent or not voting were:

Knudson P, Okerlund R

Sen. Vickers asked for additional clarification on what would be an appropriate motion.

Sen. Vickers withdrew his motion.

MOTION: Rep. Perry moved to move Priority 3 from 7B - Ongoing General Fund Priority List for EAC on page 9 to Line 2 on the 6B - One-Time General Fund Priority List for EAC on page 8 and pass out both lists as amended.

SUBSTITUTE MOTION: Rep. Stratton moved to approve the Ongoing General Fund Prioritized List for EAC as presented in Section B on page 9 of the voting packet.

The motion passed with a vote of 11-6-2.

Voting in the affirmative were:

Hinkins D, Ivory K, Chew S, Dayton M, Ipson D, Vickers E, Christofferson K, Handy S,
Noel M, Perry L, Stratton K

Voting in the negative were:

Dabakis J, Duckworth S, Greene B, Hawkes T, Kwan K, Roberts M

Absent or not voting were:

Knudson P, Okerlund R

MOTION: Sen. Hinkins moved to adjourn.

The motion passed with a vote of 17-0-2.

Voting in the affirmative were:

Hinkins D, Ivory K, Chew S, Dabakis J, Dayton M, Ipson D, Vickers E, Christofferson
K, Duckworth S, Greene B, Handy S, Hawkes T, Kwan K, Noel M, Perry L, Roberts M,
Stratton K

Absent or not voting were:

Knudson P, Okerlund R

Chair Ivory adjourned the meeting at 6:03 p.m.

Sen. David P. Hinkins

Rep. Ken Ivory