

**MINUTES OF THE  
EXECUTIVE OFFICES & CRIMINAL JUSTICE  
JOINT APPROPRIATIONS SUBCOMMITTEE  
ROOM 405 STATE CAPITOL BUILDING**

January 15, 2002

**Members Present:** Sen. D. Chris Buttars , Co-Chair  
Rep. A. Lamont Tyler, Co-Chair  
Sen. Peter C. Knudsen  
Sen. Alicia Suazo  
Rep. Ron Bigelow  
Rep. Scott Daniels  
Rep. Eric Hutchings  
Rep. Paul Ray  
Rep. Mike Thompson

**Members Absent:** None

**Staff Present:** William Greer, Fiscal Analyst  
Gary Ricks, Fiscal Analyst  
Cherri White, Committee Secretary

**Visitors List:** List filed with Committee Minutes

Co-Chair Tyler called the meeting to order at 2:15 p.m. and requested a motion to approve the minutes of January 8, 9, and 10<sup>th</sup>.

**MOTION:** Representative Daniels moved to approve the minutes with a correction on page one of January 10, 2002. Under the section of members excused his name should be listed as having been excused from that meeting and not absent. The motion passed unanimously with Senator Knudsen, and Representatives Hutchings and Thompson absent for the vote.

Co-Chair Tyler asked Fiscal Analyst William Greer to address the committee regarding materials distributed prior to the meeting for the committee members. Included was a packet of proposed reductions to the various Agencies, intent language regarding the funds within the agencies, and a proposed calendar of meeting dates and topics for the regular session.

Co-Chair Tyler then asked the committee to make any motions regarding the proposed reductions to the various agencies.

**MOTION:** Representative Bigelow moved to add \$45,000 one-time General Fund to the State Treasurer's Office. This funding is to come from the Division of Youth Corrections

with a commensurate one-time General Fund reduction from nonlapsing balances. The motion passed unanimously.

**MOTION:** Representative Bigelow moved to add \$130,000 one-time General Fund to the State Auditor's Office. This funding is to come from the Division of Youth Corrections with a commensurate one-time General Fund reduction from nonlapsing balances. The motion passed unanimously.

**MOTION:** Representative Bigelow moved to add \$400,000 one-time General Fund to the Courts. This funding is to come from the Division of Youth Corrections with a commensurate one-time General Fund reduction from nonlapsing balances. The motion passed unanimously.

**MOTION:** Senator Buttars moved to include intent language for the Courts that any increase in funding should be prioritized in use for Drug Courts and other early intervention programs. After discussion the motion was withdrawn.

Dan Becker, State Court Administrator, addressed funding issues related to drug courts and early intervention programs.

**MOTION:** Senator Buttars moved to add \$60,000 one-time General Fund to the Board of Pardons. This funding is to come from the Division of Youth Corrections with a commensurate one-time General Fund reduction from nonlapsing balances. The motion passed unanimously.

**MOTION:** Representative Bigelow moved to add \$500,000 one-time General Fund to the Department of Public Safety. This funding is to come from the Division of Youth Corrections with a commensurate one-time General Fund reduction from nonlapsing balances. The motion passed unanimously.

**MOTION:** Representative Bigelow moved that the allocation of the approved funding redistributions be made to the specific programs recommended by the Analyst after discussion with the Governor's Office of Planning and Budget and the affected Agencies as listed in the handout (discussed above). The motion passed unanimously.

**MOTION** Senator Buttars moved the following intent language:

It is the intent on the Legislature that the Courts emphasize programs that are preventative in nature with any additional funding made available for FY 2002.

The motion passed unanimously.

**MOTION:** Representative Bigelow moved to authorize the Fiscal Analysts to work with the Agencies under this Subcommittee's responsibility to prepare shifts of funding between line items within the individual agency to better manage the adjustments being approved as long as all shifts within the Agency are revenue neutral. The motion passed unanimously.

**MOTION:** Representative Bigelow moved the following intent language:

**Governors Office:** It is the intent of the Legislature that these funds be made nonlapsing.

**Attorney General:** It is the intent of the Legislature that these funds be made nonlapsing.

**State Treasurer:** It is the intent of the Legislature that any additional funds appropriated to the State Treasurer be made nonlapsing.

**State Auditor:** It is the intent of the Legislature that any additional funds be made nonlapsing.

**Dept. of Public Safety:** It is the intent of the Legislature that the Department of Public Safety may expand the fleet if money becomes available, either through existing budgets or from outside sources of revenue.

It is the intent of the Legislature that the \$403,000 appropriated from the Transportation Fund - Department of Public Safety Restricted Account is to be used for enforcement of alcohol and drug related offenses.

It is the intent of the Legislature that the appropriations be made nonlapsing.

**Division of Youth Corrections:** It is the intent of the Legislature that these funds be made nonlapsing.

**Dept. of Corrections:** The Department of Corrections has the authority to transfer up to \$500,000 in nonlapsing funds from the Divisions of Institutional Operations and Field Operations for use by Correctional Industries. The funding can only be used to support offender work programs that teach inmates useful skills or provides the State with an important service.

**Board of Pardons:** It is the intent of the Legislature that these funds be made nonlapsing.

**Courts:** It is the intent of the Legislature that these funds be made nonlapsing.

The motion passed unanimously.

**MOTION:** Representative Bigelow moved the following intent language regarding the Board of Pardons:

It is the intent of the Legislature that the \$60,000 identified for videoconferencing equipment for the Board of Pardons be used only in conjunction with remodeling of an additional hearing or court room.

The motion passed unanimously.

**MOTION:** Representative Bigelow moved to recess for five minutes to allow for the drafting of further intent language. The motion passed unanimously, and the committee recessed at 3:05 p.m.

The committee reconvened at 3:10 p.m.

**MOTION:** Senator Butters moved to not approve the Analyst recommendation to transfer funding for the Utah State Science Advisory Council. The motion passed unanimously with Representative Thompson absent for the vote.

Note: The Subcommittee is supportive of the transfer when it is coordinated with the Department of Community and Economic Development.

Discussion then followed regarding prioritization of requests for funding should additional funding sources become available.

**MOTION:** Senator Butters moved to recess for 10 minutes for the committee to prioritize the items mentioned by members of the committee. The motion passed and the committee recessed at 3:20 p.m.

Co-Chair Tyler reconvened the meeting at 3:35 p.m.

**MOTION:** Representative Bigelow moved that the committee recommend to Executive Appropriations that should additional funding become available the following are priorities of this committee with the following intent language:

1. Census Litigation Contract - Attorney General's Office \$600,000
2. Litigation costs for Public Employees lawsuit (H.B. 179)  
- Attorney General's Office \$200,000

It is the intent of the legislature with agreement of the Attorney General, that the Legislature not make additional reductions in agency budgets to meet these obligations. It is the intent of the Legislature that funding for the Attorney General's Office for contract litigation be give the highest priority as the contract was instigated at the request of the Legislature.

The motion passed unanimously with Representative Thompson absent for the vote.

**MOTION:** Representative Bigelow moved to add to the priority list the following two items:

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|----|--|-----------|
| 1. | Juvenile Court State Supervision - Courts  | \$150,000 |
| 2. | Mitigate FTE reductions (actual personnel) | \$750,000 |

**MOTION:** Senator Buttars moved to divide the motion and vote on Juvenile Court State Supervision separately from the FTE reduction mitigation. The motion passed.

Voting on Juvenile Court State Supervision for \$150,000, the motion passed with Representative Daniels voting in opposition to the motion.

Voting on the FTE Mitigation for Courts for \$750,000, the motion passed in the Senate with Senators Knudsen and Suazo voting in favor of the motion and Senator Buttars voting against the motion. The motion tied in the House with Representatives Bigelow, Daniels, and Hutchings voting in favor, and Representatives Ray, Thompson and Tyler voting in opposition the chair ruled that the motion passed.

**MOTION:** Senator Buttars moved to add the following to the priority list:

- |    |   |           |
|----|---|-----------|
| 1. | Utah Highway Patrol DUI Enforcement - Dept. Public Safety | \$150,000 |
| 2. | Draper Facility Utilities - Department of Corrections:    | \$670,000 |

The motion passed unanimously.

**MOTION:** Representative Daniels moved to adjourn. The motion passed unanimously and the meeting adjourned at 3:45 p.m.

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Senator D. Chris Buttars, Co- Chair

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Representative A. Lamont Tyler, Co-Chair

