

**MINUTES OF THE
EXECUTIVE OFFICES, CRIMINAL JUSTICE & LEGISLATURE
JOINT APPROPRIATIONS SUBCOMMITTEE**

ROOM 423 STATE CAPITOL BUILDING
February 16, 1998

Members Present: **Sen. Michael Waddoups, Co-Chair**
 Rep. Blake D. Chard, Co-Chair
 Sen. Robert Muhlestein
 Sen. Robert Steiner
 Rep. Patrice Arent
 Rep. Steve Barth
 Rep. Ron Bigelow
 Rep. Katherine Bryson
 Rep. Greg J. Curtis
 Rep. David L. Zolman

Members Absent:

Staff Present: Bill Dinehart, Fiscal Analyst
 Andrea Wilko, Fiscal Analyst
 Beverly Weeks, Committee Secretary

Visitors List: List filed with Committee Minutes

Senator Michael Waddoups called the subcommittee to order at 2:13 p.m.

MOTION: Rep. Bigelow moved to accept the minutes of February 11, 1998 as written.

The motion passed unanimously with Rep. Barth absent for the vote.

Analyst Bill Dinehart presented an updated status report on action taken to date. A list of further subcommittee items for consideration was also presented.

The subcommittee received copies of a letter from M. Gay Taylor, General Counsel and Tani Pack Downing, Associate General Counsel concerning the Regulation of Firearms, (Formal Opinion No. 98-01.

MOTION: Rep. Bigelow moved that all votes taken today be tentative and not the final vote.

The motion passed unanimously.

MOTION: Rep. Bigelow moved that the subcommittee adopt the budget for Youth Corrections as proposed by the Fiscal Analyst, page 1 which includes the Building Blocks.

The motion passed with Rep. Arent voting in opposition.

MOTION: Rep. Zolman moved to add the following items to the wish list:

Community-Based Placements	\$ 900,000
Out-of-State Placements	1,950,000
Training Compliance	390,400
Federal Grant Replacement	303,907
Electronic Monitoring	
Day/Night Reporting	
DART Program	
Privatized Facility Operations	753,400
Case Management/Parole	360,700

SUBSTITUTE MOTION: Rep. Bigelow moved to adopt a specific list for non-lapsing funds. He handed 2 sheets of paper showing the lists.

Rep. Bigelow withdrew his motion.

SUBSTITUTE MOTION: Rep. Chard moved that on the wish list for Youth Corrections in Rep. Zolman's motion be approved in the following order:

1. Training Compliance	\$ 390,400
2. Out-of-State Placements	1,950,000
3. Community-Based Placements	900,000

The motion passed unanimously.

Analyst Bill Dinehart presented the budget for the Legislature. This is shown on green tab 15, pages 1 and 2.

MOTION: Rep. Barth moved to approve the budget for the Legislature as presented by the Analyst.

The motion passed unanimously.

MOTION: Rep. Arent moved that the Analyst's recommendation be for the following for Supplemental FY 98:

Abortion Litigation Settlement Costs	\$296,200
Document Production Expenses	\$ 10,000
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	\$306,200 in General Funds

The motion passed unanimously.

MOTION: Rep. Arent moved to approve the following Supplemental as recommended by the Analyst:

Driver's license HP Unix	\$300,000
Fire Academy expansion	\$850,000
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	\$1,150,000 in General Fund Restricted

The motion passed unanimously.

MOTION: Rep. Zolman moved to accept the Supplemental Appropriations Requests for Courts as follows:

Accounting imaging system	\$25,000 in General Fund Restricted
Increased contracts, leases and utility costs	\$234,000 in Dedicated Credits
Data Processing-Accounts Receivable	\$25,000 in Dedicated Credits
Court Reporter Technology	\$75,000 in General Fund Restricted
Jury, Witness, and Interpreter Fees	\$250,000 in General Funds

Total \$609,000

The motion passed unanimously.

MOTION: Rep. Arent moved to accept for Youth Corrections the supplemental appropriation FY 1998 as recommended by the Analyst, \$1,500,000 in Dedicated Credits for the Community Alternatives programs.

The motion passed unanimously.

MOTION: Rep. Arent moved that the subcommittee approve the Executive Office Compensation as recommended by the Analyst.

Governor	\$94,200
Lt. Governor	\$70,100
Attorney General	\$79,200
State Treasurer	\$73,800
State Auditor	\$70,100

SUBSTITUTE MOTION: Rep. Curtis moved that the Executive Office Compensation be at the same percent as the Legislature sets for State salaries.

The motion passed with Sen. Steiner, and Reps. Arent, Bigelow, and Chard voting in opposition.

MOTION: Rep. Barth moved to accept the following intent language:

“It is the intent of the Legislature that the attorneys in the Office of the Attorney General be given the same compensation consideration as other State employees.”

SUBSTITUTE MOTION: Rep. Zolman moved that a 6 percent increase be given to the attorneys in the Office of the Attorney General.

The motion failed in the senate with Sen. Steiner and Waddoups and Rep. Bigelow voting in opposition.

SUBSTITUTE MOTION: Rep. Chard moved that the attorney’s in the Office of the Attorney General be studied for a selective salary adjustment this year.

The motion was withdrawn.

SUBSTITUTE MOTION: Sen. Steiner moved that the attorney's in the Office of the Attorney General be considered for a selective salary adjustment this year. (Receiving at least the amount funded other State employees this year.)

The motion passed unanimously.

MOTION: Rep. Curtis moved that JCC (Judicial Conduct Commission) be placed under CCJJ (Utah Council on Criminal and Juvenile Justice), and moved from the State Auditor's office.

The motion passed with Sen. Steiner and Rep. Chard voting in opposition.

MOTION: Rep. Zolman moved the intent language, Tab 42, page 5 and 6, Public Safety, be approved.

The motion passed unanimously.

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

Tab 42, page 7 "It is the intent of the Legislature that receipts above \$10,000 of reimbursable flight time for the Department of Public Safety's aircraft be nonlapsing and be used only to replace aircraft engines and related parts."

The motion passed unanimously.

MOTION: Sen. Muhlestein moved to adopt the following intent language regarding surplus vehicle sales:

"It is the intent of the Legislature that, for motor vehicle purchases authorized in agency's FY 1999 budget, the agency shall transfer to the Division of Fleet Operations the cost of purchasing motor vehicles less the cost of annually leasing the vehicles. The salvage value from vehicle sales by an agency shall also be transferred to Fleet Operations, **with the exception of Department of Public Safety vehicles which may retain up to \$318,000 from vehicle resale.** For purposed of this intent language, agency is as defined in UCA 63A-9-101. Fleet Operations shall use the transfers to purchase motor vehicles for the centralized fleet."

The motion passed unanimously.

MOTION: Rep. Chard moved to accept the fiscal Analyst's recommendation to increase the cost of certified records to \$1.00

SUBSTITUTE MOTION: Rep. Arent moved the following intent language for Driver's License fees:

"It is the intent of the Legislature that the funds increase generated by the increase of the Motor Vehicle Records fee from \$4.10 to \$4.25 be used exclusively for expanded Express Offices for driver's license renewals and duplicates."

The motion failed with Sen. Waddoups & Sen. Muhlestein, Reps. Bigelow and Chard voting in opposition.

Voting was held on the original motion for certified records by Rep. Chard. The motion passed with Sen. Steiner and Reps. Bigelow, Bryson, and Zolman voting in opposition.

MOTION: Rep. Zolman moved to approve the fees as recommended by the Analyst on Tab 48, page 35, Highway Patrol.

The motion passed unanimously.

Ferris Grow and Herb Katz answered questions from the subcommittee.

MOTION: Rep. Bigelow moved to accept the fees as recommended by the Analyst on Tab 50, page 44 and 45 for the State Fire Marshall.

The motion passed unanimously.

MOTION: Rep. Bigelow moved the following wish items for the Department of Public Safety for nonlapsing funds, for one time projects should they become available:

Commissioner's Office		
Computer Related Equipment		\$30,000
Office Furniture		\$10,000
Olympics Related Travel and Training		\$10,000
Peace Officer Standards and Training		
Task Analysis Of Physical Training Requirements & specialty Training		\$20,000
Increase Regional Training Curriculum		\$20,000
Media Related Equipment		\$109,000
Division of Criminal Investigations and Technical Services		
Computer Related Equipment	\$90,000	
Glass Refractory Imaging Microscope		\$40,000
Driver License		
Computer Workstations		\$50,000
Image Enable Computer System		\$10,000
Implement Central Office Point of Sale Process		\$40,000
Highway Patrol		
Officer Safety Equipment		\$100,000
Mobile Video		\$250,000
Portable Scales		\$50,000
Breath Testing Equipment		\$75,000
Office Furniture		\$25,000
Management Information Services		
Technology Related Training and Travel		\$5,000

Computer Hardware and Software Upgrades	\$40,000
Fire Marshal	
Computers and related equipment	\$8,000
Data Video Projector	\$5,000
Vehicle equipment and supplies	\$5,000

The motion passed unanimously.

MOTION: Rep. Chard moved to prioritize the Public Safety wish list as follows:

1. Liquor Law Enforcement
2. UHP Clothing
3. Community Crime Prevention

SUBSTITUTE MOTION: Rep. Arent moved to prioritize the Public Safety wish list as follows:

1. Community Crime Prevention
2. Liquor Law Enforcement
3. UHP Clothing

Nancy Plant, Community Crime Prevention, introduced Barbara Smith, a CCP Board member, who spoke to the subcommittee about the program. She presented a handout to the subcommittee of program and in-kind donation for a total of \$624,123.96. Nancy then briefly commented about the Community Crime Prevention program.

Voting was held on Rep. Arent's motion. The motion failed.

SUBSTITUTE MOTION: Rep. Barth moved to place the three items on the wish list with no priority.

The motion failed with Sen. Waddoups & Sen. Muhlestein and Rep. Bigelow voting in opposition.

Voting was held on the original motion by Rep. Chard to prioritize. The motion passed with Sen. Steiner and Reps. Bryson, Bigelow and Arent voting in opposition.

MOTION: Rep. Arent moved to increase Judicial Salaries as the same level as State employees. (Tab 33, Page 6)

The motion failed with Sen. Waddoups and Reps. Zolman, Curtis, Bryson and Bigelow voting in opposition.

MOTION: Rep. Curtis moved to approve the Judicial salary as recommended by the Analyst on tab 33, page 6. The District Judges salary would be \$93,200.

The motion passed unanimously.

Senator Waddoups declared a recess for 10 minutes.

MOTION: Rep. Curtis moved that Juvenile Courts be shown as a separate line item, tab 35, page 11.

The motion passed with Sen. Steiner and Rep. Arent voting in opposition.

MOTION: Rep. Curtis moved that Contracts and Leases be shown as a separate line item.

Daniel J. Becker, Court Administrator, responded to a handout from Rep. Curtis and the differences between the Treasurer and DFCM.

The motion passed unanimously.

MOTION: Rep. Zolman moved to accept the following intent language for Courts:

“It is the intent of the Legislature to have the Juvenile Justice Task Force study the issue of Juvenile Court security during the 1998 interim and present it’s findings to the Joint Appropriations Subcommittee for Executive Offices, Criminal Justice, and the Legislature and to the Interim Judiciary Committee and make any recommendations.”

“It is the intent of the Legislature that monies collected by the court, from past due accounts receivable, may be used to offset costs directly related to the costs of collection prorated basis to the various revenue types that generated the account receivable.”

SUBSTITUTE MOTION: Rep. Curtis moved to adopt the intent language as follows:

Intent Language for FY 1998

1. The Legislature intends not to lapse Item 37, chapter 273, Laws of Utah 1997.
2. The Legislature intends not to lapse Item 39, chapter 273, Laws of Utah 1997.
3. Funds donated to the Juvenile Court for graffiti removal and other community service programs are non-lapsing.

Intent Language for FY 1999

1. “It is the intent of the Legislature to have the Juvenile Justice Task Force study the issue of Juvenile Court security during the 1998 interim and present it’s findings to the Joint Appropriations Subcommittee for Executive Offices, Criminal Justice, and the Legislature and to the Interim Judiciary Committee and make any recommendations.”
2. “It is the intent of the Legislature that monies collected by the court, from past due accounts receivable, may be used to offset costs directly related to the costs of collection prorated basis to the various revenue types that generated the account receivable.”
3. Funds for the Courts are non-lapsing.

4. Funds donated to the Juvenile Court for graffiti removal and other community service programs are non-lapsing.
5. Funds for the Guardian ad Litem Program are non-lapsing.

Rep. Chard asked for a division on the vote.
Rep. Bigelow asked for a further division on # 3, FY99.

Voting on number 1, FY98 passed with Reps. Chard and Bigelow and Sen. Muhlestein voting in opposition.

Voting on number 2 and 3, FY98 passed with Sen. Muhlestein voting in opposition.

Voting on numbers 1,2,4 & 5 FY99 passed with Sen. Muhlestein voting in opposition.

Voting on number 3 FY 99 failed with Rep. Barth voting in favor.

MOTION: Rep. Barth moved the following intent language: (Discussion ensued)
Motion was withdrawn.

MOTION: Rep. Bigelow moved the following intent language to limit the previous vote FY98 to these items, line 1..

“Under the terms of UCA 63-38-8.1, the Legislature intends not to lapse Item 37, Chapter 273, Laws of Utah 1997. Expenditure of these funds is limited to:

Data Processing	\$350,000
Capital Outlay	200,000
One Time Contracts	200,000
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	\$750,000

The motion passed with Sen. Steiner, and Reps. Chard, Zolman, Bryson and Arent voting in opposition.

MOTION: Rep. Arent moved to place \$250,000 on the wish list for CORIS.

The motion failed with Sen. Waddoups and Muhlestein, and Rep. Chard voting in opposition.

MOTION: Rep. Zolman moved to accept the previous intent language that was passed and then combined by the Analyst as follows:

“It is the intent of the Legislature to form a committee staffed by Utah Commission on Criminal and Juvenile Justice to study the growth needs of the Utah Department of Corrections and alternatives to incarceration. The committee members shall be as follows: legislators, the Governor’s Office, Judiciary,

the Department of Corrections, the Board of Pardons and Parole, the Sentencing Commission, the Sheriff's Association, the Utah Association of Counties, the Commission on Criminal Juvenile Justice and the Chiefs of Police Association. The study shall include, but not be limited to examining jail reimbursement, the jail contracting process, the use of private, state and/or county correctional facilities and the potential for combining jail reimbursement and jail contracting into one comprehensive program under the Department of Corrections. The committee shall report its findings to the Judiciary Interim Committee in November 1998.

MOTION: Rep. Barth moved to accept the previous intent language with the exception of the following words in the next to last sentence: the potential for combining jail reimbursement and jail contracting into one comprehensive program under the Department of Corrections.

The motion failed.

Voting was held on the original motion by Rep. Zolman. The motion passed unanimously.

A handout was given to the committee in the form of a letter from Washington County regarding Jail Contracting.

MOTION: Rep. Barth moved to shift \$2,000,000 from Jail Contracting to Jail Reimbursement.

The motion passed unanimously.

MOTION: Rep. Barth moved the following Building Block priority list:

1.	Jail Contracting	\$5,000,000
2.	Day Reporting (Davis/Utah)	\$1,669,000
3.	Community Corrections Center (75 beds)	669,000
4.	Presentence Contracts	367,000
5.	Substance Abuse Treatment	543,800
6.	Bureau of Info Tech. Staff	283,300

SUBSTITUTE MOTION: Rep. Chard moved to approve the following wish list items:

1.	Jail Contracting	\$1.4 million	100 beds
2.	Private prison	1.9 million	500 beds - open 3 months earlier
3.	Day Center	1 million	(keeps offenders out of beds)
4.	Presentence Contract	300,000	(frees AP&P Officers to supervise offenders.
5.	Substance Abuse programs	500,000	(85% offenders have substance abuse problems)

TOTAL \$5,100,000

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The motion passed unanimously.

MOTION: Rep. Bryson to accept the following intent language:

“It is the intent of the Legislature that any reallocation of property adjacent to the Draper Prison facility will include provisions for a barrier to guarantee the integrity of the security of Prison facilities and inmates from any public or other agency contact.”

The motion passed with Sen. Waddoups voting in opposition.

MOTION: Rep. Bigelow to finalize the votes as final and exclude wish list Building Blocks.

The motion failed with Sen. Muhlestein and Waddoups and Rep. Zolman voting in opposition.

MOTION: Rep. Chard to place on wish list items for Youth Corrections. (Discussion ensued)

The motion was withdrawn.

MOTION: Rep. Zolman moved to adopt the following intent language:

“It is the intent of the Legislature to grant non-lapsing authority to the Division of Youth Corrections.”

The motion failed with Sen. Waddoups and Muhlestein voting in opposition.

MOTION: Sen. Steiner moved to place on the Attorney General’s wish list \$80,000 for a Tax Prosecutor.

The motion passed unanimously.

MOTION: Rep. Zolman moved that the subcommittee be adjourned.

The motion passed with Rep. Arent voting in opposition. The meeting adjourned at 4:55 p.m.

Senator Michael Waddoups, Co-Chair

Representative Blake D. Chard, Co-Chair