

**MINUTES OF THE  
EXECUTIVE OFFICES, CRIMINAL JUSTICE & LEGISLATURE  
JOINT APPROPRIATIONS SUBCOMMITTEE  
Monday, February 15, 1999  
ROOM 423 STATE CAPITOL BUILDING**

**Members Present:** Sen. Michael Waddoups, Co-Chair  
Rep. Blake D. Chard, Co-Chair  
Sen. Parley Hellewell  
Sen. Pete Suazo  
Rep. Ron Bigelow  
Rep. Katherine M. Bryson  
Rep. Perry L. Buckner  
Rep. Gary F. Cox  
Rep. John E. Swallow  
Rep. David L. Zolman, Sr.

**Staff Present:** Bill Dinehart, Fiscal Analyst  
Andrea Wilko, Fiscal Analyst  
Leslee West, Committee Secretary

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

Co-Chair Chard Called the meeting to order at 2:15 p.m.

Attorney General, Jan Graham, concluded her response on how the 2% cut would effect the Attorney Generals Office. Dave Carlson, Child Protection Division; Christine Soltis, Appeals Division; Jerry Jensen, Public Affairs Division; and Bill Evans, Education Division, addressed the subcommittee. The members of the subcommittee received the following handouts: Child Protection Division Chief Job Description, Public Affairs, Summary of One Attorney's 1998 Condemnation Cases, Total People Trained - 1998, Abuse Simmers in Utah County, and Fighting "Fone" Fraud - 1998"

Analyst Bill Dinehart gave a list of Dinehart's Bills and gave a handout with intent language recommended by the Analyst in the presentations that have not been acted on.

**MOTION:** Rep. Bryson moved to vote on each budget's proposed intent language separately.

The motion passed with Sen. Hellewell voting in opposition.

Fiscal Analyst Andrea Wilko presented the proposed intent language on page 2 of the Governor's/Lieutenant Governor's Office. It is as follows:

*It is the intent of the Legislature that funding for the Governor's Office be non-lapsing.*

*It is the intent of the Legislature that the funding for the Governor's Commission on Women and Families be non-lapsing.*

*It is the intent of the Legislature that funds placed in the Emergency Fund be non-lapsing.*

MOTION: Rep. Bigelow moved to approve the Analyst's recommended intent language on page 2 of the Governor's/Lieutenant Governor's Office.

The motion passed unanimously.

Analyst Andrea Wilko presented the proposed intent language on page 2 of the Office of Planning and Budget. It is as follows:

*It is the intent of the Legislature that funding for the Office of Planning and Budget be non-lapsing.*

MOTION: Rep. Zolman moved to approve the Analyst's recommendation on intent language for the Office of Planning and Budget.

The motion passed unanimously.

Analyst Andrea Wilko presented the proposed intent language on page 2 of UCCJJ. It is as follows:

*It is the intent of the Legislature that the funding for the Utah Commission on Criminal and Juvenile Justice be non-lapsing.*

MOTION: Rep. Cox moved to approve the Analyst's recommendation on intent language for UCCJJ.

The motion passed unanimously.

Analyst Andrea Wilko presented the proposed intent language on page 2 of the State Auditor. It is as follows:

*It is the intent of the Legislature that funding for the State Auditor be non-lapsing.*

MOTION: Rep. Bigelow moved to approve the Analyst's recommendation on intent language for the State Auditor.

The motion passed unanimously.

Analyst Andrea Wilko presented the proposed intent language on page 2 of the State Treasurer. It is as follows:

*It is the intent of the Legislature that funding for the State Treasurer be non-lapsing.*

MOTION: Rep. Bigelow moved to approve the Analyst's recommendation on intent language for the State Treasurer.

The motion passed unanimously.

Analyst Andrea Wilko presented the proposed intent language on page 3 of the Attorney General. It is as follows:

*It is the intent of the Legislature that funding for the Attorney General's Office be non-lapsing.*

*It is the intent of the Legislature that funding for Child Protection be non-lapsing.*

*It is the intent of the Legislature that funding for Domestic Violence be non-lapsing.*

*It is the intent of the Legislature that funding for the Prosecution Council be non-lapsing.*

*It is the intent of the Legislature that funding for Financial Crimes be non-lapsing.*

*It is the intent of the Legislature that funding for the Childrens Justice Centers be non-lapsing.*

MOTION: Rep. Bryson moved that the Attorney General's funds remain lapsing.

The motion failed with Rep. Bryson voting in favor of the motion.

MOTION: Rep. Buckner moved to approve the Analyst's recommendation on intent language for the Attorney General.

The motion passed with Reps. Bryson and Zolman voting in opposition.

Bill Dinehart presented the Analyst's recommendation on tab 14 page 11 regarding Correctional Officers. Mike Chabries, Chief Deputy, addressed the subcommittee regarding the recommendation.

MOTION: Rep. Cox moved to approve the recommendation of the Analyst as follows:

The executive branch agencies (Human Resources and Corrections) have recommended that a special salary increase be given to Correctional Officers and those positions that DHRM has "benchmarked" to the Correctional Officer. This latter category would include some supervisory positions, transport officers, probation and parole agents. This proposal would encompass 1,327 positions and provide an average of a 3.5 step increase (9.6 percent) for \$5 million.

The motion failed with Reps. Buckner, Cox, Chard and Sens. Hellewell and Suazo voting in favor of the motion.

MOTION: Sen. Waddoups moved to approve the recommendation of the Analyst as follows:

The Analyst recommends a third alternative would give the smaller group 13.75 percent (5 step) costing \$2.79 million. This would equate to a \$2 per hour and make state Correctional Officer salaries competitive with the counties. This alternative recognizes the impending demand for Correctional Officers as the two new large jails on the Wasatch front beginning hiring. As a part of this scenario the

balance of the \$5 million (\$2.25) million would be shared by the other “benchmark” positions yielding an average increase of 2.86 steps or \$1.49 per hour.

Mike Chabries responded to Sen Waddoups motion.

SUB. MOTION: Rep. Buckner moved to fund all benchmark positions

The motion failed with Reps. Buckner, Cox, and Sen. Suazo voting in favor of the motion.

The subcommittee took action on Sen. Waddoups motion. The motion passed with Rep. Buckner voting in opposition.

Analyst Bill Dinehart presented the proposed intent language on page 11 of Community Based Alternatives. It is as follows:

*It is the intent of the Legislature that the Division of Youth Corrections continue and wherever possible increase the utilization of community based alternatives to secure incarceration of youth in the custody of the Division.*

*“Utah’s approach to rehabilitation using the Community Based Alternative System has been demonstrated, through independent research, to provide effective treatment to youth as well as cost benefits and protection to the citizens of the State through reduced recidivism and reduction of severity of crimes for those youth who do recidivate.”*

*“The Legislature recognizes the national prominence of the Division’s approach and expressly directs the Division to actively pursue additional Community alternatives and strengthen those which are currently in effect.”*

MOTION: Rep. Zolman moved to adopt the Analyst recommendation on intent language on page 11 of Community based Alternatives.

The motion passed unanimously.

MOTION: Rep. Cox moved the following intent language.

*It is the intent of the Legislature that a juvenile Court judge shall review the case of each youth ordered to observation and assessment within seven days following completion of the assessment.*

Dan Becker and Gary Dalton, responded to Rep. Cox’s motion on intent language for DYC.

The motion passed with Rep. Bigelow voting in opposition.

MOTION: Rep. Bigelow moved to saunter for 10 minutes. The motion passed unanimously.

Sen, Waddoups, Co-Chair, reconvened the meeting at 4:55 p.m.

Analyst Bill Dinehart deferred to Kevin Walthers, Office of Legislative Fiscal Analyst, to present the proposed intent language for the Department of Public Safety. Herb Katz, DPS, assisted in explaining the intent language. The intent language is as follows:

*“It is the intent of the Legislature that the Department of Public Safety shall retain up to \$324,000 of salvage proceeds on vehicles to use towards funding current operations. Any salvage proceeds in excess of \$324,000 shall be transferred to Fleet Operations.”*

MOTION: Rep. Zolman moved to accept the proposed intent language for the Department of Public Safety.

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

Sen. Waddoups relinquished the chair back to Rep. Chard.

Analyst Bill Dinehart presented the proposed intent language on page 6 of the Commissioner’s Office. The intent language is as follows:

*“It is the intent of the Legislature that all monies seized or forfeited to the State as a result of drug or narcotic related activity through the State or Federal court process, be deposited into a General Fund Restricted - Drug Forfeiture Restricted Account.” The Department of Public Safety is authorized to expend amounts not to exceed \$500,000 from seizures awarded by the state court and from seizures awarded by the federal court to aid in enforcement efforts to combat drug trafficking. “Funds disbursed to other governmental entities through existing contractual agreements shall be exempt from this intent statement. “The Department shall provide the Joint Appropriations Subcommittee for Executive Offices, Criminal Justice and The Legislature a complete accounting of expenditures and revenues from these funds as part of the annual budget hearings.”*

*Any balance remaining after the above allocation is to be used in accordance with the following distribution:*

*Anticipated expenditures shall be limited to the following fro drug seizure and forfeiture related expenditures:*

	<i>Federal</i>	<i>State</i>	<i>Total</i>
	<u><i>\$100,000</i></u>	<u><i>\$400,000</i></u>	<u><i>\$500,000</i></u>
<i>Laptop Technology</i>		<i>300,000</i>	<i>300,000</i>
<i>Mobil Video Cameras</i>		<i>50,000</i>	<i>50,000</i>
<i>Emergency Response Team</i>	<i>5,000</i>	<i>10,000</i>	<i>15,000</i>
<i>Specialized Training</i>	<i>5,000</i>	<i>5,000</i>	<i>10,000</i>
<i>Computer Related Equipment</i>		<i>10,000</i>	<i>10,000</i>
<i>Computer Training and Travel</i>		<i>10,000</i>	<i>10,000</i>
<i>Specialized Equipment</i>	<i>15,000</i>	<i>15,000</i>	<i>30,000</i>
<i>Technical &amp; Professional Serv.</i>		<i>20,000</i>	<i>20,000</i>
<i>Extraordinary Investigations</i>	<i>10,000</i>	<i>30,000</i>	<i>40,000</i>

<i>Imprest Fund</i>		10,000	10,000
<i>Narcotics Reward Fund</i>		5,000	5,000
<i>Mobile Emergency</i>			
<i>Communications Operations</i>	10,000	40,000	50,000
<i>Helicopter Operations</i>	20,000	30,000	50,000

*Anticipated expenditures from financial crimes related seizures and forfeitures shall be used for:*

<i>Computer Equipment</i>		\$40,000
<i>Divisions of Investigations Vehicles</i>		80,000
<i>Extraordinary Investigations</i>		40,000
<i>Specialized Equipment</i>		20,000
<i>Specialized Training</i>		10,000
<i>Imprest Funds</i>		<u>10,000</u>
<b>TOTAL:</b>		\$200,000 =====

Craig Dearden answered questions from the committee regarding the intent language.

MOTION: Rep. Zolman moved to adopt the Department of Public Safety forfeiture fund as proposed by the Analyst.

The motion passed unanimously.

Analyst Bill Dinehart presented the proposed intent language on page 37-38 of Highway Patrol. The intent language is as follows.

*“It is the intent of the Legislature that the Division of Human Resource Management and the Department of Public Safety develop and implement a Senior Officer III grade for the Utah Highway Patrol. Further, to facilitate the introduction of the new position the department is authorized to advance up to 15 officers per year to this grade funding such increases from savings in existing appropriations.”*

MOTION: Rep. Buckner moved to approve the intent language for the Highway Patrol as recommended by the Analyst. Colonel Greenwood, Chief Highway Patrol responded to the motion.

The motion passed unanimously.

MOTION: Rep. Bigelow moved the following intent language.

*“It is the intent of the Legislature that vehicles purchased for use at the Emergency Operations Track at Camp Williams not be part of the consolidation of state fleets. An appropriation of \$63,000 annually for the rotation of track vehicles from the Public Safety Support Funds shall be ongoing.”*

The motion passed unanimously.

MOTION: Rep. Bigelow moved the following intent language for Judicial Council:

***FY 1999***

*Under the terms of UCA 63-38-8.1, the Legislature intends not to lapse Item 36, Chapter Laws of Utah 1998. Expenditure of these funds is limited to:*

<i>Data Processing</i>	<i>\$350,000</i>
<i>Capital Outlay</i>	<i>\$200,000</i>
<i>One-time Contacts</i>	<i>\$200,000</i>

*It is the intent of the Legislature that funds appropriated for Juror/Witness/Interpreter are non-lapsing.*

***FY 2000***

*It is the intent of the Legislature that funds appropriated for Juror/Witness/Interpreter are non-lapsing.*

*It is the intent of the Legislature that funds for the Guardian ad Litem program are non-lapsing.*

*Dan Becker, State Court Administrator, responded to Rep. Bigelow's Motion.*

*The motion passed unanimously.*

MOTION: Sen. Suazo moved the following intent language.

*It is the intent of the Legislature that \$4.1 million of the funds, identified in line 28 of Senate Bill 1 of the 1998 General Session be non-lapsing for the operation of VOITIS facility at the Draper prison.*

Mike Chabries, responded to Sen. Suazo's motion.

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

MOTION: Rep. Bigelow moved the following intent language.

***Commissioners Office***

*“Receipts above 10,000 (LFA recommends 15,000 for FY 2000) of reimbursable flight time are non-lapsing and are to be used only to replace and repair aircraft engines.”*

***UHP Office of Highway Safety***

*“The Office of Highway Safety may transfer federal funds from this line item of appropriation to other items of appropriation when necessary.”*

**New Proposed Intent Language:**

***Drivers License***

*“Funds to convert files to the HP-UNIX system are non-lapsing.”*

***Highway Patrol***

*“Funds to purchase intoxilyzers and for improvements in safety inspection program are non-lapsing.”*

***Fire Marshal***

*“Funds to purchase life safety mobile training aids are non-lapsing.”*

The motion passed unanimously.

MOTION: Sen. Waddoups moved that the Community Alternatives program in Youth Corrections be shown as a separate line item.

SUB. MOTION: Rep. Bigelow moved that Out of State Placements in Youth Parol Authority in addition to the Community Alternatives program in Youth Corrections be shown as a separate line item. Gary Dalton responded to the motion.

The motion passed with Reps. Buckner, Cox and Sen. Suazo voting in opposition.

MOTION: Rep. Cox moved to grant non-lapsing authority to the Department of Corrections in the following areas:

To **Department of Corrections - Administration**

Description

Computers	\$ 100,000
Office Equipment & Supplies	25,000
Capital Improvements	25,000
Communication Equipment	225,000

To **Department of Corrections - Field Operations**

Description	
Computers and Improvements	\$ 450,000
Communication Equipment	600,000
Security Equipment & Supplies	450,000
Capital Improvements	200,000

To **Department of Corrections - Clinical Services**

Descriptions	
Medications	\$ 250,000
Communication Equipment	80,000
Computers & Improvements	280,000
Capital Improvements	250,000

Gary Sessions, Department of Corrections, responded to the motion.

The motion failed with Reps. Bigelow, Buckner, Cox, Hellewell and Sens. Hellewell and Suazo voting in favor of the motion.

MOTION: Rep. Bigelow moved to increase the salary for all elected officials by 2.5%.

SUB. MOTION: Sen. Waddoups moved that each elected officer have the same amount of salary increase as the other state employees, not including the attorneys in the Attorney General's Office.

The motion passed with Rep. Cox and Sen. Suazo voting in opposition.

MOTION: Rep. Zolman moved to recommend a 2.5% salary increase for the attorneys in the Attorney General's Office.

The motion passed with Rep. Suazo voting in opposition.

MOTION: Sen Waddoups moved to request a study of the supervision fees of AP&P from the Executive Appropriation Committee.

The motion passed unanimously.

Analyst Bill Dinehart presented the recommendation on page 35 of Corrections, that subject to funding availability, the state establish Community Corrections Centers in Utah and Washington counties and consider privatizing their operation.

MOTION: Rep. Zolman moved to follow the Analyst recommendation. Mike Chabries responded to the motion.

The motion failed with Reps. Cox, Zolman, Chard and Sens. Hellewell and Suazo voting in favor of the motion.

MOTION: Rep. Bigelow moved to make Jail Programs a line item in the budget.

The motion passed unanimously.

Analyst Bill Dinehart presented the recommendation of a continuation budget for the ISF. on page 68 of Corrections and presented the following data elements to receive action on by the subcommittee.

FTE	10
Capital outlay	\$226,400
Billing Rate	\$250 per device per month

MOTION: Rep. Cox moved to approve the Analyst recommendation and the elements in the internal service fund.

The motion passed unanimously.

Analyst Bill Dinehart presented the recommendation on page 4 and 14 of the courts that the Juvenile Court be identified as a separate line item in the courts budget and that the separate program categories within the Juvenile Court budget include Administration, Intake, Probation, Programming for the youth , and Judicial operations.

MOTION: Rep. Zolman moved to accept the Analyst recommendation.

The motion passed with Rep. Cox voting in opposition.

Analyst Bill Dinehart presented the Commission's Executive & Judicial Conduct recommendation on page 5 of the courts to raise salaries for the District Judge to \$96,900, an increase of approximately 3.5 percent for District Judges.

MOTION: Sen. Suazo moved to accept the Analyst recommendation.

SUB. MOTION: Rep. Bigelow moved to stay with the current recommendation of \$93,600 for the District Judges.

The motion passed with Reps. Cox, Swallow and Sen. Suazo voting in opposition.

Analyst Bill Dinehart presented the recommendation under Public Safety to make the Aero Bureau a separate program in the budget.

MOTION: Rep. Zolman moved to accept the Analyst recommendation on page nine of the Commissioner's Office to make Aero Bureau a separate program.

The motion passed with Reps. Buckner, Cox and Suazo voting in opposition.

Analyst Dinehart presented the recommendation on page 11 of Commissioner's Office that the programs be made a grant and that the grant program be moved from the Department of Public Safety to the Commission on Criminal and Juvenile Justice.

MOTION: Rep. Zolman moved to follow the Analyst recommendation. Craig Dearden, Commissioner of Public Safety, responded to the motion.

SUB. MOTION: Rep. Bigelow moved to make CCP a grant program and transfer it to UCCJJ.

The motion passed with Reps. Bryson , Buckner, and Suazo voting in opposition.

MOTION: Rep. Bigelow moved to restore the 1% funding of \$12,700 to Community Crime base budget.

The motion passed with Reps. Swallow and Zolman voting in opposition.

MOTION: Rep. Bigelow moved to add \$250,000 to the Community Crime program for a total of \$345,000.

The motion failed with Reps Bigelow, Bryson, Buckner, Cox Swallow, Chard and Sen. Suazo voting in favor of the motion.

Camille Anthony, CCJJ, addressed the committee.

MOTION: Rep. Buckner moved the following intent language.

*It is the intent of the Legislature that the Utah Commission on Criminal and Juvenile Justice continue the existing package of community crime prevention programs as in FY*

*1999 until the staff can fully evaluate the programs and providers now involved and report back to this committee for FY 2001.*

The motion failed with Reps. Bryson, Buckner, Swallow, and Sen. Suazo voting in favor of the motion.

MOTION: Rep. Bigelow moved to restore in Public Safety; \$9,000 to Liquor Law Enforcement; \$4,200 to Safety program; \$99,700 to Investigation; \$12,100 to MIS; and \$8,000 to Fire Marshall and \$231,400 to Highway Patrol.

The motion passed unanimously.

MOTION: Rep. Bigelow moved to assign \$29,900 to the Office of Planning and Budget; \$25,300 to the State Auditor; \$7,700 to the State Treasurer; and \$50,000 to the Motor Votor Program.

The motion passed unanimously.

MOTION: Rep. Zolman moved to accept the Analyst recommendation for Comprehensive Emergency Management including the 1% set side for a total amount of \$10,210,000.

The motion passed unanimously.

MOTION: Rep. Cox moved to add \$222,700 back into CEM. Craig Dearden responded to the motion.

The motion failed with Reps. Buckner, Cox and Sen. Hellewell voting in favor of the motion.

MOTION: Rep. Bigelow moved to place the following amounts in Youth Corrections:

\$512,000	Out of State
50,000	Youth Parole Authority
200,000	Community Alternatives
600,000	Out of State
300,000	Assessments
523,400	Receiving Centers

The motion passed with Reps. Buckner, Cox and Sen. Suazo voting in opposition.

MOTION: Rep. Zolman moved to adjourn.

The motion failed with rep. Zolman voting in favor of the motion.

MOTION: Sen. Wadoups moved to create a building block of \$50,000 to implement Quick Court on line at the web site.

The motion passed unanimously.

MOTION: Rep. Bigelow moved place \$200,000 in UCCJJ for community crime prevention programs.

The motion passed unanimously.

MOTION: Rep. Cox moved to place \$50,000 in the Department of Public Safety budget.

The motion passed with Reps. Bigelow, Bryson and Zolman voting in opposition of the motion.

MOTION: Sen. Waddoups moved to adjourn.

The motion passed unanimously.

Co-Chair Chard adjourned the meeting at 5:50 p.m.

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Senator Michael Waddoups, Co- Chair

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Representative Blake D. Chard, Co-Chair

