

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

Wednesday 17, 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 Waddoups called the meeting to order at 4:35 p.m.

MOTION: Rep. Zolman moved to approve the revised minutes of the February 10, 1999 meeting.

The motion passed unanimously with Reps. Bryson and Chard absent for the vote.

MOTION: Rep. Suazo moved to approve the minutes of the February 12, 1999 meeting.

The motion passed unanimously with Reps. Bryson and Chard absent for the vote.

Francine Giani, Division of Consumer Protection, responded for the Attorney Generals Office. She gave an overview of the Motor Fuel Marketing Act.

MOTION: Rep. Cox moved to reconsider the action taken by the subcommittee regarding the intent language of the inquiring Observation and Assessment in the seven day period.

The motion passed unanimously.

MOTION: Rep. Cox moved to delete in title and body the previous intent language regarding observation and assessment and replace it with the following intent language:

It is the intent of the Legislature that the Observation and Assessment process be completed, insofar as it is possible, within 60 days of a youth offender's commitment to the Division of Youth Corrections for such a placement pursuant to UCA 78-3a-118(e) and UCA 62A-7-104(10).

The motion passed unanimously with Sen. Suazo absent for the vote.

MOTION: Rep. Bigelow moved to reconsider the previous intent language regarding the Motor Pool.

The motion passed unanimously with Sen. Suazo absent for the vote.

Rep. Bigelow moved to withdraw his previous motion on the Motor Pool intent language.

MOTION: Rep. Cox moved the following intent language:

It is the intent of the Legislature that the funding for the Division of Youth Corrections should be non-lapsing.

The motion passed with Rep. Bigelow voting in opposition.

MOTION: Rep. Buckner moved the following intent language:

It is the intent of the Legislature to create a Community Crime Prevention grant program in the Commission on Criminal and Juvenile Justice (CCJJ). Preference for grant funding will be placed on crime prevention programs that have a regional or statewide impact, involve multi-agency collaboration, encourage responsible adults to mentor children, and provide police officer training. It is further the intent of the Legislature that up to one full-time position may be created in CCJJ for the purpose of administering these grants.

MOTION: Sen. Suazo moved to amend the intent language by inserting “and recreation” after “prevention”.

Sen. Waddoups relinquished the chair to Rep. Chard.

SUB. MOTION: Sen. Waddoups moved to amend the intent language by deleting “and provide police officer training” after “children,”

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

The motion failed with Sen. Waddoups voting in favor of the motion.

The subcommittee took action on Rep. Buckner’s original intent language. The motion passed unanimously.

MOTION: Rep. Bryson moved the following intent language:

It is the intent of the Legislature that the Department of Corrections conduct a study on the feasibility of privatizing Community Correctional Centers (CCC). The Department shall report to the interim Law Enforcement and Public Safety Committee by the October meeting. The study shall address the feasibility of having state owned and operated, state

owned and privately operated, vs. privately owned an operated. The study shall take into account the cost of needed repairs and renovation to existing CCC facilities that may be privatized. The Department shall work with the Legislative Fiscal Analyst and the Division of Facilities and Construction. It is the intent of the Legislature that if funds are made available, the Department shall build /or contract for any new Probation CCC based on the feasibility study.

The motion passed unanimously .

MOTION: Sen. Suazo moved the following intent language.

It is the intent of the Legislature to grant the Department of Corrections non-lapsing authority from lines 26, 27 and 30, in House Bill One of the 1998 General Session to be used in the following areas.

Department of Corrections-Administration

<i>Line 26:</i>	<i>Computers</i>	<i>\$100,000</i>
	<i>Office Equipment & Supplies</i>	<i>25,000</i>
	<i>Capital Improvements</i>	<i>25,000</i>
	<i>Communication Equipment</i>	<i>225,000</i>

Department of Corrections-Field Operations

<i>Line 27:</i>	<i>Computers & Equipment</i>	<i>\$450,000</i>
	<i>Communication Equipment</i>	<i>600,000</i>
	<i>Security Equipment & Supplies</i>	<i>450,000</i>
	<i>Capital Improvements</i>	<i>200,000</i>

Department of Corrections-Clinical Services

<i>Line 30:</i>	<i>Medication</i>	<i>\$250,000</i>
	<i>Communication Equipment</i>	<i>80,000</i>
	<i>Computers & Improvements</i>	<i>280,000</i>
	<i>Capital Improvements</i>	<i>250,000</i>

The motion passed unanimously.

MOTION: Rep. Cox moved the following intent language:

It is the intent of the Legislature that the Division of Youth Corrections shall pursue the goal of applying as much budgetary flexibility as is fiscally prudent within its existing General Fund appropriation to grant a rate increase for private community-based residential providers.

Gary Dalton, Department of Youth Corrections, and Wayne Holland , Youth Private Provider, answered questions by the subcommittee.

SUB. MOTION: Rep. Swallow moved to amend the intent language by deleting the word "shall" after the words "Division of Youth Corrections"

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

SUB. MOTION: Sen. Suazo moved to amend the intent language by including Rep. Swallows sub. Motion and adding "And their placement families." after the word "Providers."

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

SUB. MOTION: Rep. Chard moved to amend the intent language by including Rep. Swallows sub. Motion and also deleting the word "residential" after the word "community-based".

The motion passed unanimously.

MOTION: Rep. Chard moved the following intent language:

It is the intent of the Legislature that the Administrative Office of the Courts, Department of Human Services and its Division of Youth Corrections work in cooperation with the Utah Commission on Criminal and Juvenile Justice and the Utah Sentencing Commission in considering the findings and recommendations of the January 1999 Performance Audit of Utah's Juvenile Justice System.

The parties will work through the legislative interim process, reporting to the Judiciary, Health and Human Service and Law Enforcement and Criminal Justice Committees, to determine best practices and provide specific recommendations including implementation strategies for improving Utah's Juvenile Justice System.

*The parties are to specifically address: early intervention, risk assessment, graduated sanctions, program evaluation, duplication of services and eliminating the duplication of services including organizational changes and administrative role clarifications.
Findings shall be reported to the General Session of the Legislature in 2000.*

The motion passed unanimously.

MOTION: Rep. Bryson moved the following intent language:

It is the intent of the Legislature that the following line items be created.

*Children's Justice
Child Protection
Children's Justice
Child and Family Support
Children's Justice Centers*

Administration

Tax and Revenue

Auditing and Collecting

Property Tax

Financial Institutions, Bonding and Insurance

Criminal Justice which would include the existing Prosecution Council line item

Criminal

Medicaid Fraud

Criminal Non-Support

Prosecution Council

Insurance Investigation

Criminal Tax Prosecution

Natural Resources and Environment

Natural Resources

Water Adjudication

Environment

Litigation

Appeals

Torts

Employment

Board of Pardons, Civil Rights, Inmate

Risk Management

Appeals

Criminal

Civil

Education

Public Education

Higher Education

Public Affairs

Agencies

Public Utilities

Transportation

Public Safety

Consumer Rights which would be combined with the existing Anti-Trust line item

Securities

Consumer Protection

Real Estate

Professional Licensing

*Anti-Trust
Money Laundering*

Contact Attorneys

Domestic Violence

Reed Richards, Deputy Attorney General, responded to the motion.

The motion failed with Reps. Bigelow, Bryson, Swallow, Zolman and Chard voting in favor of the motion.

MOTION: Rep. Chard moved to fund the Attorney General's Office line item for Administration/Executive at \$1,039,100 and restore the Analysts recommendation on the other programs and line items.

David Lamb responded to the motion.

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

Analyst Bill Dinehart presented the fees and rates schedule for the State Fire Marshal, Utah Highway Patrol and the Drivers License Division for FY 2000

MOTION: Rep. Zolman moved to accept the analyst recommendation for the fees and rates approved for the services of the State Fire Marshal, Utah Highway Patrol, and the Drivers License Division for FY 2000.

The motion passed unanimously.

Analyst Bill Dinehart presented the FY 1999 Supplemental Appropriations Requests for the Courts, Corrections, Division of Youth Corrections, and the Department of Public Safety.

MOTION: Rep. Cox moved to accept the Analyst recommendation for the Court - FY 1999 Supplemental Appropriations Requests.

The motion passed unanimously.

MOTION: Sen. Suazo moved to accept the Analyst recommendation for Corrections - FY 1999 Supplemental Appropriations.

The motion passed unanimously.

MOTION: Rep. Zolman moved to accept the Analyst recommendation for the Division of Youth Corrections - FY 1999 Supplemental Appropriations Requests.

The motion passed unanimously.

MOTION: Sen. Hellewell moved to accept the Analyst recommendation for the Department of Public Safety - FY 1999 Supplemental Appropriations.

The motion passed unanimously.

Analyst Andrea Wilko presented the Supplementals Appropriation Requests for Executive Offices.

MOTION: Rep. Zolman moved to accept the Analyst recommendation for the Executive Offices.

The motion passed unanimously.

MOTION: Rep. Bigelow moved to take (\$100,000) in General Funds out of the UCI line item and move it into the admin line item.

MOTION: Rep. Chard moved that the one time federal funding in the amount of \$360,400 for the Juvenile Justice re-engineering information system be deleted.

The motion passed unanimously.

MOTION: Rep. Chard moved that the one time federal funding in the amount of \$360,400 for the Juvenile Justice re-engineering information system be approved for the Courts main line item.

The motion passed unanimously.

MOTION: Rep. Chard moved to take the Juvenile Court off as a main line item and return it back to the main line item in the Court system.

The motion passed unanimously.

MOTION: Rep. Swallow moved that the \$50,000 settlement monies received by the Attorney General's Office from Continental lapse into the General Fund.

The motion passed with Rep. Buckner voting in opposition.

MOTION: Rep. Chard moved to continue making tentative votes then have one last final vote.

The motion passed unanimously.

MOTION: Rep. Bigelow moved to add \$12,700 to UCCJJ, \$121,900 to the Legislature, replace the amount previously voted on for Public Safety Investigations Technology with \$167,200, insert \$50,000 into MIS, revise the amount of Out of State Placement to \$876,000,

assessment centers be \$0, the new receiving centers amount be \$472,000 and \$59,400 for the Capital Law Clerk.

The motion passed unanimously.

MOTION: Rep. Cox moved to take an additional \$148,400 from the Out of State Placement and move it to the Attorney General's Office for the purpose of funding the two child protection attorneys currently funded by grants.

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

MOTION: Rep. Buckner moved to take \$50,000 from the Out of State Placement and put it into Public Safety MIS.

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

MOTION: Rep. Chard moved the following intent language.

It is the intent of the Legislature that the new receiving centers funded by this committee be the Cedar City Facility and the Davis County Facility.

Gary Dalton, Division of Youth Corrections, responded to the motion.

The motion passed unanimously.

MOTION: Sen. Suazo moved the following intent language.

FY 1999
It is the intent of the Legislature that funds appropriated for Contracts and Leases shall be non-lapsing and shall be used for Data Processing Equipment and Technology improvement in the Judiciary.

The motion passed unanimously.

MOTION: Sen. Suazo moved the following intent language.

FY 2000
It is the intent of the Legislature that funds appropriated for Contracts and Leases shall be non-lapsing and shall be used for Data Processing Equipment and Technology improvement in the Judiciary.

The motion passed unanimously.

Sen. Waddoups relinquished the chair to Rep. Chard.

MOTION: Sen. Waddoups moved that the \$50,000 that was lapsed on the settlement be used to fund the first priority of the Electronic on-line set up of Quick Court.

The motion passed unanimously.

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

MOTION: Rep. Cox moved to place funding of CEM on the high priority list for Executive Appropriations in the amount of \$222,700.

The motion passed with Rep. Zolman abstaining from the vote.

MOTION: Sen. Suazo moved to take to Executive Appropriations a motion from this subcommittee in the amount of 6.5 million dollars for jail reimbursement and contracting.

The motion passed unanimously.

MOTION: Rep. Cox moved to add Court Information Systems (CORIS) to the hot list at \$318,000.

The motion passed unanimously.

MOTION: Rep. Chard moved to place for intermediate sanctions in the Department of Corrections the following programs:

Day reporting for Davis County	\$400,000
Day reporting for West Valley/Utah County	550,000
Privatized Community Corrections Center	850,000

The motion passed unanimously.

MOTION: Sen. Suazo moved to add the Guardian ad Litem building block for \$100,000 for the funding wish list.

The motion passed unanimously.

MOTION: Rep. Chard moved to add \$5,000,000 for Corrections Compensation to the building block.

The motion passed unanimously.

MOTION: Rep. Cox moved to place the two attorney positions for child protection at \$148,000 on the wish list.

The motion passed unanimously.

MOTION: Rep. Swallow moved to put on the building block \$619,100 for 15 deputy court clerks.

The motion passed unanimously.

MOTION: Rep. Swallow moved to add \$235,000 for the clerical salary adjustment for the courts as high priority on the wish list.

The motion passed unanimously.

MOTION: Rep. Buckner moved to add one additional criminologist to the Department of Public Safety for \$67,500.

The motion passed unanimously.

MOTION: Rep. Chard moved to put \$800,000 to the OTRACK computer system for the Department of Corrections.

The motion passed unanimously.

MOTION: Rep. Buckner moved to have the Analyst pass out a prioritization sheet on the previous items and that they be returned to the Analyst who will compile final prioritizations.

The motion passed unanimously.

MOTION: Rep. Chard moved to make all motions that were tentative final.

The motion passed unanimously.

MOTION: Sen. Hellewell moved to adjourn.

The motion passed unanimously.

Co Chair Waddoups adjourned the meeting at 6:30 p.m.

Senator Michael Waddoups, Co- Chair

Representative Blake D. Chard, Co-Chair

