

**MINUTES OF THE
EXECUTIVE OFFICES & CRIMINAL JUSTICE
JOINT APPROPRIATIONS SUBCOMMITTEE
ROOM 405, STATE CAPITOL BUILDING
February 10, 2003**

Members Present: Sen. D. Chris Buttars Co-Chair
Rep. David L. Hogue Co-Chair
Sen. Patrice Arent
Sen. Michael Waddoups
Rep. Ron Bigelow
Rep. Scott Daniels
Rep. James A. Dunnigan
Rep. Eric K. Hutchings
Rep. Brad King
Rep. Bradley G. Last
Rep. Dana C. Love

Staff Present: Jonathan Ball, Fiscal Analyst
Gary Ricks, Fiscal Analyst
Kevin Walthers, Fiscal Analyst
Greta Rodebush, Committee Secretary

Visitors List: List filed with committee minutes

Co-Chair Hogue called the meeting to order at 2:23 p.m.

Co-Chair Hogue stated that in the Friday, February 7, 2003 meeting the subcommittee took a position not to propose additional cuts to the Caucus meetings. He said that further discussion on those cuts would be necessary in anticipation of forthcoming revenue shortfalls. The subcommittee agreed to prioritize the list.

Analyst Jonathan Ball proceeded to clarify each of the 2 percent reduction cut options to the subcommittee.

Co-Chair Hogue invited Wayne Holland to speak on the Youth Private Provider Network. Mr. Holland explained that the State Supervision Program was set up as an intermediate sentencing option. Most of this is done through contracts with private providers that offer short term, smaller facilities, evaluation, and follow-up. He noted the success Youth Village has had in reducing recidivism, changing behavior, and improving youth education.

Mr. Wilton Lolofie, Allies for Youth & Families, spoke about the life skills program they provide for the Juvenile Court. Allies for Youth & Families has been successful in diverting 68% of the youth from re-entering the juvenile justice system. He noted that those who do not succeed are dealing with serious mental health problems, addictions, and severe family problems.

Mr. Holland emphasized that if funding for the State Supervision Program is cut, these programs will cease to exist and judges will commit youth to Youth Corrections.

The subcommittee discussed the long term fiscal impacts of incarceration as opposed to the costs of prevention and treatment.

Co-Chair Buttars reported back from the Senate Caucus, having voiced the sentiments of the subcommittee to not make recommendations on additional 2 percent budget cuts. Co-Chair Buttars informed the subcommittee that the additional 2 percent budget cuts are expected to be implemented and encouraged the subcommittee to prepare a list of prioritized budget cuts for Executive Appropriations. The subcommittee voted on each of the potential additional 2 percent budget cuts. The following list represents

Potential Additional 2 Percent Cuts

Department of Corrections

Staff Education Incentives	(250,000)
Workforce Services Contract	(100,000)
Reduce Inmate Payroll	(300,000)
Eliminate Class A Supervision excluding sex & violent offenders	(450,000)
Presentencing Investigations	(400,000)

Courts

Litigants will bear higher case resolutions	(157,800)
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State Treasurer

Program reduction; one secretary	(16,100)
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Governor's Office of Planning and Budget

Eliminate three FTEs	(123,900)
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Department of Public Safety

Commissioner's Office; reduce one FTE	(35,000)
Fire Fighter Training Cut/Revenue Shift	(500,000)
Motorcycle Safety	(207,000)
DNA Specimen (ONE-TIME)	(189,500)
Fire Academy Support (ONE-TIME)	<u>(1,000,000)</u>

Total **(3,729,400)**

MOTION: Rep. Dunnigan moved to transfer \$143,600 for the Obscenity and Pornography Ombudsman line item to the Attorney General's main line item. The motion passed unanimously with Rep. Bigelow absent for the vote.

MOTION: Rep. Dunnigan moved to adopt the following intent language for the Medical Services Program within the Department of Corrections:

It is the intent of the Legislature that the Office of the Legislative Fiscal Analyst supervise a study of the Medical Services Department within the Utah Department of Corrections. The study shall provide an analysis of costs (short and long term), liability issues, quality of service, and accreditation standards compared to industry standards for private providers. The Office of the Legislative Fiscal Analyst will present its findings to the Executive Appropriations Committee on or before July 1, 2003 with copies to be distributed to the Executive Offices and Criminal Justice Appropriations Subcommittee.

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

The Chairs will send a letter to go to Executive Appropriations requesting \$15,000 be appropriated to conduct the study of the Medical Services Department.

MOTION: Rep. Dunnigan moved to adopt the intent language for the Medical Services Department within the Department of Corrections. The language is as follows:

It is the intent of the Legislature that the Executive Director of the Department of Corrections and the Commissioner of Public Safety or their designee (s) shall study the prospect of consolidating their respective Training Academies by July 1, 2004. The Executive Director and the Commissioner will report their findings to the Legislative Law Enforcement and Criminal Justice Interim Committee by its October meeting.

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

MOTION: Rep. Daniels moved that the subcommittee recommend to the Executive Appropriations Committee that judges receive a salary adjustment equivalent to that provided to state employees. The motion passed unanimously with Rep. Bigelow absent for the vote.

MOTION: Rep. Daniels moved that \$41,600 be appropriated from the Guardian Ad Litem Services Account for the CASA program. The motion passed unanimously with Rep. Bigelow absent for the vote.

MOTION: Rep. Daniels moved that \$100,000 be appropriated from the Court Reporter Technology Fund to the Courts Data Processing Department for acquiring digital audio equipment. The motion passed unanimously with Rep. Bigelow absent for the vote.

MOTION: Rep. Dunnigan moved that the subcommittee recommend to the Executive Appropriations Committee that the following funds, obtained by the Attorney General's Office through consumer protection litigation, be appropriated to the Attorney General's Office: (a) \$300,000 from Ford Motor Company; and (b) \$50,000 from Household Finance Corporation. The motion passed unanimously with Rep. Bigelow absent for the vote.

Intent Language

Co-Chair Hogue explained that a tentative vote would be taken on the intent language and that a final vote would be taken on Wednesday. Analyst Gary Ricks proceeded to read the following program intent language:

State Treasurer

It is the intent of the Legislature that funding for the State Treasurer be nonlapsing.

State Auditor

It is the intent of the Legislature that funding for the State Auditor be nonlapsing.

Attorney General

It is the intent of the Legislature that funding for Contract Attorneys be appropriated as a separate line item.

It is the intent of the Legislature that funding for Anti-Trust Prosecution be appropriated as a program within the Attorney General's Office main line item.

It is the intent of the Legislature that funding for Child Protection be appropriated as a program within the Attorney General's Office main line item.

Attorney General (cont.)

It is the intent of the Legislature that funding for the Attorney General's Office be nonlapsing.

It is the intent of the Legislature that funding for Children's Justice Centers be nonlapsing.

It is the intent of the Legislature that funding for Contract Attorneys be nonlapsing.

It is the intent of the Legislature that funding for the Prosecution Council be nonlapsing.

It is the intent of the Legislature that funding for Prevention of Domestic Violence be nonlapsing.

Governor's Office

It is the intent of the Legislature that funding for the Governor's budget be nonlapsing.

It is the intent of the Legislature that funding for the Elections Program be nonlapsing.

It is the intent of the Legislature that funding for the Emergency Fund be nonlapsing.

MOTION: Sen. Arent moved to approve the intent language for the State Treasurer, State Auditor, Attorney General, and the Governor's Office. The motion passed unanimously with Sen. Waddoups, Rep. Bigelow, and Rep. King absent for the vote.

Analyst Ricks continued reading the following intent language:

Governor's Office of Planning and Budget

It is the intent of the Legislature that funding for the Office of Planning and Budget be nonlapsing.

Chief Information Officer (CIO)

It is the intent of the Legislature that, should a comprehensive review of Division of Information Technology Services costs, products, and rates result in ongoing savings to the General Fund of at least \$152,000 beginning in FY 2005 or prior, the Office of the Legislative Fiscal Analyst shall recommend to the Legislature an ongoing General Fund appropriation increase of \$152,000 beginning in FY 2005 for the Chief Information Officer.

It is the intent of the Legislature that funding for the Chief Information Officer be nonlapsing.

Commission on Criminal and Juvenile Justice

It is the intent of the Legislature that funding for the Commission on Criminal and Juvenile Justice be nonlapsing.

Department of Public Safety

It is the intent of the Legislature that funds appropriated to the Department of Public Safety be nonlapsing.

It is the intent of the Legislature that receipts above the appropriated dedicated credits amount of reimbursable flight time for the Department of Public Safety aircraft be nonlapsing and used for major aircraft maintenance.

It is the intent of the Legislature that the Department of Public Safety may continue with the consolidated line items of appropriation for Fiscal Year 2004 to assist with mitigation of base budget reductions. It is further the intent of the Legislature that this consolidation is for the period of Fiscal Year 2004 only. The following line items of appropriations for continued consolidation into one line item for Fiscal Year 2004 are: Commissioner's Office; Criminal Investigations and Technical Services Division; Liquor Law Enforcement; Utah Highway Patrol; Management Information Services; and Fire Marshal's Office. The remainder of the Department's line items of appropriation will each remain separate line items. They are: Emergency Services and Homeland Security; Peace Officer Standards and Training; Driver License Division; Utah Highway Patrol.

MOTION: Rep Hutchings moved to adopt the intent language for the Governor's Office of Planning and Budget, Chief Information Officer, Commission on Criminal and Juvenile Justice, and the Department of Public Safety. The motion passed unanimously with Sen. Waddoups, Rep. Bigelow, and Rep. King absent for the vote.

Analyst Ricks continued reading the following intent language:

Department of Corrections

It is the intent of the Legislature that each of the Department of Corrections line items be granted nonlapsing status.

It is the intent of the Legislature that the Department of Corrections be granted the authority to transfer up to \$500,000 in nonlapsing funds from the Divisions of Adult Probation and Parole and Institutional Operations for use by Correctional Industries. The funding can only be used to support offender work programs that teach inmates useful skills or provide the State with an important service.

It is the intent of the Legislature that the Administration, Adult Probation and Parole, and Division of Institutional Operations line items be combined for FY 2004.

Division of Youth Corrections

It is the intent of the Legislature that the Services and Youth Parole line items be nonlapsing.

Board of Pardons

It is the intent of the Legislature that funding for the Board of Pardons be nonlapsing.

Courts

It is the intent of the Legislature that the funds for each line item of the Judicial Council be nonlapsing.

It is the intent of the Legislature that Contracts and Leases funds be nonlapsing.

Courts (cont.)

It is the intent of the Legislature Grand Jury funds be nonlapsing.

It is the intent of the Legislature Jury, Witness, and Interpreter funds be nonlapsing.

It is the intent of the Legislature that Guardian Ad Litem funds be nonlapsing.

MOTION: Rep. Hutchings moved to adopt the intent language for the Department of Corrections, Division of Youth Corrections, Board of Pardons, and Courts. The motion passed unanimously with Sen. Waddoups, Rep. Bigelow, and Rep. King absent for the vote.

Analyst Ricks presented the fees for the Department of Public Safety. He noted one change under Tab 24, page 13: Firearms Instructor Renewal fee of \$10.00 is corrected to read \$25.00. Tab 24, page 21, remains the same. Tab 24, page 34: Under Automatic Fire Suppression Systems, Branch office licenses of \$100.00 is corrected to read \$150.00 and Application for exemption of \$100.00 is corrected to read \$300.00. Tab 44, page 44, remained the same.

MOTION: Sen. Buttars move to accept the fees as amended.

SUBSTITUTE

MOTION: Rep. Daniels moved to accept the fees as amended to include increasing the Concealed Carry Weapons Renewal Fee from \$10.00 to \$35.00. The motion failed with Sen. Arent and Rep. Daniels voting in favor of the motion. Sen. Waddoups, Rep. Bigelow, and Rep. King were absent for the vote.

A vote was taken on the original motion. The motion passed with Sen. Arent and Rep. Daniels voting in opposition. Sen. Waddoups, Rep. Bigelow, and Rep. King were absent for the vote.

MOTION: Sen. Arent moved to adjourn the meeting. The motion passed unanimously with Sen. Waddoups, Rep. Bigelow, and Rep. King absent for the vote.

Co-Chair Hogue adjourned the meeting at 5:14 p.m.

Executive Offices & Criminal Justice
February 10, 2003
Page 9