

**MINUTES OF THE
EXECUTIVE OFFICES & CRIMINAL JUSTICE
JOINT APPROPRIATIONS SUBCOMMITTEE
ROOM 405, STATE CAPITOL BUILDING
February 4, 2004**

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

Members Absent: Rep. Ron Bigelow

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

Note: A list of visitors and a copy of handouts are filed with the committee minutes.

NOTE: All those who testified before the subcommittee did so under the oath administered by Fiscal Analyst, Gary Ricks.

Co-Chair Buttars called the meeting to order at 2:09 p.m.

Co-Chair Buttars invited Richard Carling, Chairman, Honorary Utah Highway Patrol, to speak to the subcommittee. He introduced Honorary UHP members in attendance and highlighted some examples of outstanding service performed in the line of duty by Utah's Highway Patrol. He addressed the issue of salary and wage disparities. The following individuals spoke to this issue as well: Larry Miller, Honorary UHP, former Senator Black, Honorary UHP, and Todd Royce, President, Utah Highway Patrol Association.

Co-Chair Buttars relinquished the chair to Co-Chair Hogue at 2:37 p.m.

Board of Pardons

Analyst Ball presented the FY 2005 budget recommendations for the Board of Pardons with a total base budget of \$2,772,000. The Analyst highlighted these issues:

- The Analyst recommends no change to the Board's non-lapsing balance amounts.
- The Analyst recommends reserving non-lapsing intent language for supplemental action, when agencies have more detailed accounting of carry-forward needs.
- The Analyst recommends no change in the Board's personnel funding.

Mike Sibbett, Chairman, Board of Pardons spoke to the Analyst's recommendations. He said that the Board of Pardons will not be requesting any building blocks; however, there are problems that need addressing. He informed the subcommittee that the Board of Pardons is now reviewing female inmates for early release because of the crisis level of females in the prison. A formal letter will be sent to leadership explaining the situation with female overcrowding in the state prison. He had anticipated using the Cache County Jail to provide relief but its opening has been delayed. He supports funding for the Oxbow Women's Facility.

Mr. Sibbett was asked about the role drugs play in our inmate population. Mr. Sibbett stated that methamphetamine is clearly the drug driving a lot of the numbers. Mr. Sibbett stated that Drug Offender Reform Act would be a very important program in addressing the treatment needs of incarcerated individuals.

Co-Chair Buttars resumed the chair.

Department of Corrections

Analyst Ball brought to the subcommittee's attention the following amendment in the FY 2005 Budget Analysis, Tab 15, page 7, Draft Appropriations Language, Analyst's Recommendation, Utah Department of Corrections:

The Legislature intends that the Utah Department of Corrections pursue the following performance goals in Fiscal Year 2005:
Housing Utilization: 95% of Maximum Capacity
Parolee Rate of Return: 25% New Prison Admission of Parolees
Probationer Rate of Return: 3.5% New Prison Admission of Probationers

MOTION: Rep. Dunnigan moved to tentatively approve the Analyst's recommendation for the Department of Corrections with a total base budget of \$138,363,700 and the amendment on Tab 15, page 7, Draft Appropriations Language, Analyst's Recommendation, Department of Corrections. The motion passed unanimously with Rep. King absent for the vote.

MOTION: Rep. Daniels moved to place on the priorities list an amount yet to be determined for the Oxbow Women's Facility and the Oxbow Community Correctional Center. The motion passed unanimously with Rep. King absent for the vote.

MOTION: Rep. Daniels moved to place on the priorities list \$674,000 for Adult Probation and Parole and \$2,199,700 for CUCF Facility Operations at Gunnison. The motion passed unanimously with Rep. King absent for the vote.

MOTION: Rep. Daniels moved to tentatively approve the Analyst's FY 2005 budget recommendation of \$2,772,000 for the Board of Pardons. The motion passed unanimously with Rep. King absent for the vote.

Co-Chair Buttars moved to saunter for five minutes.

Attorney General

Analyst Ricks presented the FY 2005 budget recommendation for the Attorney General for a total base budget of \$33,627,700. The analyst also recommended the following:

- Postponing non-lapsing intent language until the FY 2005 Legislative session.
- FY 2004 Supplemental to settle Attorney General's lawsuit/judgments:

UPEA/UEA Lawsuits		\$385,000
UEA	\$225,00	
UPEA	\$160,00	
David C. et al vs. Governor		114,000
Brian Barnard		23,000
U of U Miners Settlement		300,000
Robert Allsop		<u>100,000</u>
Total		<u>\$922,900</u>

- Intent Language for Public Lands Issues.

It is the intent of the Legislature that up to \$120,000 provided from the General Fund Restricted - Constitutional Defense account be used to pay for legal services regarding public lands issues involving the state, other than those related to existing rights of way established before 1976 under RS-2477.

Mark Shurtliff, Attorney General, addressed the subcommittee. He was assisted by Scott Mecham, Financial Manager, Attorney General's Office. Mr. Shurtliff discussed services being provided by the AG's Office which are not reimbursed by the counties. He also made reference to a letter dated February 2, 2004 to Fiscal Analyst, Gary Ricks, which outlined a 23 percent disparity between AAG and Legislative Counsel salaries. A discussion ensued on these issues.

Mr. Shurtliff requested a building block of \$2,219,800 on-going from the General Fund for salary increases.

Co-Chair Buttars rescheduled the FY 2005 Budget Hearing: Department of Public Safety for Thursday, February 5, 2004.

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

Co-Chair Buttars adjourned the meeting at 5:00 p.m.

Sen. D. Chris Buttars, Co-Chair

Rep. David L. Hogue, Co-Chair