

**MINUTES OF THE
EXECUTIVE OFFICES & CRIMINAL JUSTICE
APPROPRIATIONS SUBCOMMITTEE
Room 25 House Building
February 16, 2012**

Members Present: Sen. Daniel Thatcher, Co-Chair
Rep. Eric K. Hutchings, Co-Chair
Rep. Christopher N. Herrod, House Vice Chair
Sen. Peter C. Knudson
Sen. Ben McAdams
Sen. Howard A. Stephenson
Sen. John L. Valentine
President Michael G. Waddoups
Rep. Joel K. Briscoe
Rep. Richard Greenwood
Rep. Curtis Oda
Rep. Paul Ray
Rep. Jennifer M. Seelig
Rep. Brad R. Wilson

Staff Present: Mr. Gary Syphus, Fiscal Analyst
Mr. Zackery King, Fiscal Analyst
Ms. Jennifer Eyring, Committee Secretary

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

Co-Chair Hutchings called the meeting to order at 5:10 p.m.

Rep. Greenwood acknowledged and thanked the county sheriffs who were in attendance, David Edmunds, Summit County Sheriff, Frank Park, Tooele County Sheriff, Cameron Noel, Beaver County Sheriff, Lamont Smith, Kane County Sheriff, and Brian Nielson, Sanpete County Sheriff.

Rep. Hutchings outlined the objectives of the final meeting: 1) to add anything additional to the lists, 2) to prioritize the ongoing and one-time lists, and 3) to approve dollar amounts for each item. He explained item #30, Request for Appropriation, Charter School Financing Authority, on the one-time list, and item #38, Request for Appropriation, State Powers - Treasurer's Office, on the ongoing list.

Gary Syphus, Fiscal Analyst, explained the numbering on the ongoing and one-time lists.

Rep. Hutchings relinquished the Chair to Sen. Thatcher.

Sen. Thatcher explained the ongoing and one-time funding request items for the Weber Valley Detention Center.

MOTION: Rep. Greenwood moved to approve the following amounts on the “Ongoing Requests EOCJ Submitted Priorities” list.

#1 Parole Violator Center	\$2,000,000
#3 Jail Contracting Growth	\$1,067,600
#6 Work Camp Custody/Probation	\$1,600,000
#7 Attorney Salary Parity Increase (GAL)	\$500,000
#18 Attorney General	\$300,000

The motion passed unanimously with Sen. Knudson and President Waddoups absent for the vote.

MOTION: Rep. Briscoe moved to change item #7, Courts- Guardian ad Litem, Attorney Salary Parity Increase (GAL), to line 10, and to change item #10, Courts – Guardian ad Litem, Attorney and Support Staff, 1 Vehicle, to line 7 on the “Ongoing Requests EOCJ Submitted Priorities” list.

Rick Smith, Director, Guardian ad Litem, stated their original priority was the attorney for the Uintah Basin, but that both are important items.

The motion passed in the House with Rep. Greenwood, Rep. Oda, and Rep. Herrod voting against the motion, and failed in the Senate with Sen. McAdams voting in favor of the motion. The motion failed.

MOTION: Rep. Seelig moved to take item #31, Services for Victims of Sexual Violence, on the “Ongoing Requests EOCJ Submitted Priorities” list and place in on the “One-time Requests EOCJ Submitted Priorities” list following item #16, Juvenile Justice Services, Youth Services and Receiving Centers, with the following intent language:

"The Legislature intends that \$150,000 for FY 2013 and FY 2014 of one-time funds provided for services of victims of sexual violence with appropriations provided for two year service grants within the Commission on Criminal and Juvenile Justice. The Legislature further intends that the Commission on Criminal and Juvenile Justice will report back to the Legislative Appropriations Committee with performance measures."

The motion passed unanimously with Sen. Knudson and President Waddoups absent for the vote.

MOTION: Rep. Oda moved to combine item #14, Department of Public Safety, Firearm/Toolmarks Examiner – Northern Lab, and item #4, Request for Appropriation, State Crime Lab – HB 254, in the amount of \$303,200 on the “Ongoing Requests EOCJ Submitted Priorities” list. The motion passed unanimously with Sen. Knudson and President Waddoups absent for the vote.

MOTION: Rep. Ray moved to take item #22, Request for Appropriation, Jail Contracting Rate Increase - \$2/day, and move it to above item #19, Department of Public Safety, Drug Asset Seizure Investigator, on the “Ongoing Requests EOCJ Submitted Priorities” list. The motion passed with Sen. Valentine voting against the motion and Sen. Knudson and Pres. Waddoups absent for the vote.

MOTION: Rep. Hutchings moved to delete item #36, Request for Appropriation, LeRay McAllister Fund for \$1,000,000, and leave item #34, Governor, LeRay McAllister Fund for \$750,000, in place on the “Ongoing Requests EOCJ Submitted Priorities” list. The motion passed unanimously with Sen. Knudson and President Waddoups absent for the vote.

MOTION: Rep. Briscoe moved to take item #35, Request for Appropriation, Domestic Violence/Family Legal Services for \$200,000, and move it to line 17 on the “Ongoing Requests EOCJ Submitted Priorities” list.

SUBSTITUTE MOTION: Rep. Herrod moved to take item #35, Request for Appropriation, Domestic Violence/Family Legal Services for \$200,000, and move it to line 26 on the “Ongoing Requests EOCJ Submitted Priorities” list. The motion passed with Rep. Briscoe, Rep. Ray and Rep. Seelig voting against the motion, and Sen. Knudson absent for the vote.

MOTION: Rep. Ray moved to strike item #25, Department of Public Safety, Spice Chemist – Central Lab, and to strike item #27, Juvenile Justice Services, Weber Valley Detention Center, from the “Ongoing Requests EOCJ Submitted Priorities” list. The motion passed unanimously with Sen. Knudson absent for the vote.

MOTION: Rep. Wilson moved to take item #15, Attorney General, SECURE Strike Force, and place it after item #9, Juvenile Justice Services, Youth Services and Receiving Center, on the “Ongoing Requests EOCJ Submitted Priorities” list.

Mark Shurtleff, Attorney General, stated their priorities are 1) SECURE Strike Force, and 2) Criminal Non-Support Program. He said they prefer the funding is ongoing.

SUBSTITUTE MOTION: Sen. Valentine moved to take item #15, Attorney General, SECURE Strike Force, and place it on line 8, and to take item #8, Attorney General, Criminal Non-Support Program Continuation, and place it on line 15 on the “Ongoing Requests EOCJ Submitted Priorities” list, and to remove item #7, Request for Appropriation, SECURE Strike Force, on the “One-time Requests, EOCJ Submitted Priorities” list. The motion passed unanimously.

MOTION: Sen. McAdams moved to change the amount on item #28, Request for Appropriation, Mortgage Fraud – Invest./Pros., on the “One-time Requests, EOCJ Submitted Priorities” list, from \$1,000,000 to \$2,000,000 and to approve the following intent language:

"The Legislature intends that \$2 million one-time non-lapsing funds from the Foreclosure Fraud Settlement be appropriated to fund Mortgage and Financial Fraud Investigation and Prosecution staff in the Attorney General's Office. The title for this line item would be Mortgage and Financial Fraud Investigation and Prosecution and the purpose for this is to investigate mortgage and financial fraud."

Sen. McAdams said that to capture these funds from the settlement, they would need to open a bill file to create a restricted account to receive the funding in the Attorney General's Office.

He amended the motion to include the following language:

"The committee also supports legislation to create a restricted account for the purpose of capturing these funds and appropriating them for this purpose."

The motion passed unanimously.

MOTION: Rep. Herrod moved to delete all items prioritized below item #24, Request for Appropriation, Jail Contracting Treatment Beds, on the "Ongoing Requests EOCJ Submitted Priorities" list, and to approve the list as prioritized.

SUBSTITUTE MOTION: Sen. Valentine moved to take item #24, Request for Appropriation, Jail Contracting Treatment Beds for \$180,000, from the "Ongoing Requests EOCJ Submitted Priorities" list, and place it on line 6 of the "One-time Requests, EOCJ Submitted Priorities" list, delete below item #35, Request for Appropriation, Domestic Violence/Family Legal Services, on the "Ongoing Requests EOCJ Submitted Priorities" list.

Dan Becker, Court Administrator, clarified that the \$600,000 request for item #33, Courts, Juror/Witness/Interpreter Program, on the "Ongoing Requests EOCJ Submitted Priorities" list, would cover expected expenses for FY 2013. The \$1,742,900 request item #9, Courts, Juror/Witness/Interpreter Program, on the "One-time Requests, EOCJ Submitted Priorities" list, would repay the deficit for FY 2010, FY 2011, and the projected deficit for FY 2012. He said their priority was to pay the deficit.

Mr. Syphus clarified the items on the list which would be dropped off the list if the motion passed.

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

MOTION: Pres. Waddoups moved to take item #23, Department of Public Safety, Emergency Management – Spring Flooding, on the "One-time Requests, EOCJ Submitted Priorities" list and move it to line 11, after item #10, Department of Corrections, Parole Violator Center.

SUBSTITUTE MOTION: Rep. Hutchings moved to take Department of Public Safety items #1, UHP Bullet Proof Vests, #2, UHP Vehicle Laptop Replacement, #3, UHP Trooper Overtime, #5, Evidence Processing and Tracking System, #12 Statewide Evidence Tracking System, and #17 Public Safety Non-lapsing funds, off the "One-time Requests, EOCJ Submitted Priorities" list and approve the following intent language:

"We authorize the Department of Public Safety to use \$2,250,000 of their non-lapsing balance to cover Bullet Proof Vests, Vehicle Laptop Replacement, Trooper Overtime, Evidence Processing and Tracking System, and Statewide Evidence Tracking System."

Rep. Hutchings reiterated that the motion was for the Department to use those funds for the specified items and not anywhere else.

The motion passed unanimously with Rep. Herrod and Rep. Wilson absent for the vote.

MOTION: Rep. Hutchings moved to take Department of Corrections items #8 Inmate Medical Services for the amount of \$500,000, #10 Parole Violator Center for the amount of \$9,000,000, and #15 Corrections Non-lapsing Funds for the amount of \$9,500,000, off the “One-time Requests, EOCJ Submitted Priorities” list with the following intent language:

"It is the intent of this committee that the Department of Corrections will use \$9,500,000 of their non-lapsing balance to cover 1) \$9,000,000 to the Parole Violator Center, and 2) \$500,000 to Inmate Medical Services, and for them to be used specifically to cover those two items, out of their internal non-lapsing balance."

The motion passed unanimously with Rep. Briscoe, Rep. Herrod, and Rep. Wilson absent for the vote.

MOTION: Rep. Ray moved to strike item #6, Request for Appropriation, Jail Contracting Growth, from the “One-time Requests, EOCJ Submitted Priorities” list. The motion passed unanimously with Rep. Briscoe, Rep. Herrod, and Rep. Wilson absent for the vote.

MOTION: Sen. Valentine moved to strike item #18, Request for Appropriation, Replacement Helicopter for DPS/Utah, from the “One-time Requests, EOCJ Submitted Priorities” list. The motion passed unanimously with Rep. Briscoe, Rep. Herrod, and Rep. Wilson absent for the vote.

Sandy Naegle, Financial Manager, Governor's Office, explained item #22, Department of Public Safety, Earthquake Documentary, from the “One-time Requests, EOCJ Submitted Priorities” list.

MOTION: Rep. Seelig moved to remove item #22, Department of Public Safety, Earthquake Documentary, from the “One-time Requests, EOCJ Submitted Priorities” list.

SUBSTITUTE MOTION: Sen. Valentine moved to remove item #22, Department of Public Safety, Earthquake Documentary, from the “One-time Requests, EOCJ Submitted Priorities” list, and to move item #9, Juvenile Justice Services, Youth Services and Receiving Centers, to the bottom of the “Ongoing Requests EOCJ Submitted Priorities” list, as prioritized. The motion passed with Rep. Oda voting against the motion and Rep. Herrod and Rep. Wilson absent for the vote.

MOTION: Rep. Hutchings moved to add a new item, Courts, Data Processing, for the amount of \$250,000 to the “One-time Requests, EOCJ Submitted Priorities” list after item #19, Department of Public Safety, UHP Additional Troopers. The motion passed unanimously with Rep. Herrod and Rep. Wilson absent for the vote.

Ron Gordon, Executive Director, Commission on Criminal and Juvenile Justice, (CCJJ) explained that the amount of \$73,000 on item #14, CCJJ, General Fund to Crime Victim Reparation Fund, is reimbursement from the general fund for a payment that has been made, and the amount of \$51,700 on item #11, CCJJ, Judgement and Assistance Payment, is for payments yet to be made.

Dave Walsh, Deputy Director, CCJJ, stated that the two items could not be combined because one is a transfer to a restricted account and the other is appropriated to a line item.

MOTION: Sen. Valentine moved to take item #19, Department of Public Safety, UHP Additional Troopers, and place it after item #14, Commission on Criminal and Juvenile Justice, General Fund to Crime Victim Reparation Fund, on the “One-time Requests, EOCJ Submitted Priorities” list. The motion passed unanimously with Rep. Herrod and Rep. Wilson absent for the vote.

MOTION: Rep. Oda moved to take item #16, Juvenile Justice Services, Youth Services and Receiving Centers, and place it above item #13, Governor’s Office, Office of Energy Development – Transfer from UGS, on the “One-time Requests, EOCJ Submitted Priorities” list. The motion failed with Rep. Oda and Rep. Seelig voting for the motion and Rep. Herrod and Rep. Wilson absent for the vote.

MOTION: Sen. Valentine moved to remove all items listed under item #23, Department of Public Safety, Emergency Management – Spring Flooding, on the “One-time Requests, EOCJ Submitted Priorities” list.

SUBSTITUTE MOTION: Rep. Briscoe moved to remove all items listed under item #23, Department of Public Safety, Emergency Management – Spring Flooding, except item #28, Request for Appropriation, Mortgage and Financial Fraud – Invest./Pros., on the “One-time Requests, EOCJ Submitted Priorities” list. After further discussion, the motion was withdrawn.

SUBSTITUTE MOTION: Rep. Hutchings moved to delete items #28, Request for Appropriation, Mortgage and Financial Fraud – Invest./Pros., and item #29, Request for Appropriation, Preserve Farmland and Open Space – L. McAllister Fund, on the “One-time Requests, EOCJ Submitted Priorities” list, and to approve the list as prioritized. The motion failed with Rep. Briscoe, Rep. Hutchings, Rep. Oda, Rep. Ray, and Rep. Seelig voting for the motion, and Rep. Herrod and Rep. Wilson absent for the vote.

Sen. Valentine amended his motion to include using the Analyst amounts on any item on the list where there is a discrepancy in funding amounts, and to approve the list as prioritized.

SUBSTITUTE MOTION: Rep. Briscoe moved to remove items below item #23, Department of Public Safety, Emergency Management – Spring Flooding, except item #29, Request for Appropriation, Preserve Farmland and Open Space – L. McAllister Fund, on the “One-time Requests, EOCJ Submitted Priorities” list, to use the Analyst amounts on any item where there is a discrepancy in funding amounts, and to approve the list as prioritized. The motion failed with Rep. Briscoe, Rep. Hutchings, Rep. Seelig, and Sen. McAdams voting for the motion, and Rep. Herrod and Rep. Wilson absent for the vote.

Sen. Valentine restated the original motion as to remove all items listed under item #23, Department of Public Safety, Emergency Management – Spring Flooding, on the “One-time Requests, EOCJ Submitted Priorities” list, to use the Analyst amounts on any item where there is a discrepancy in funding amounts, and to approve the list as prioritized. The motion passed with Rep. Briscoe voting against the motion and Rep. Herrod and Rep. Wilson absent for the vote.

MOTION: Rep. Hutchings moved approve the following intent language concerning item #13, Office of Energy Development – Transfer from UGS, on the “Ongoing Requests EOCJ Submitted Priorities” list, and item #13, Office of Energy Development – Transfer from UGS, on the “One-time Requests, EOCJ Submitted Priorities” list, and to then remove those items from the lists.

"The Legislature intends that the Utah Geological Survey transfer \$61,500 one-time in FY 2012, and \$61,500 ongoing beginning in FY 2013 to the Office of Energy Development."

The motion passed unanimously with Rep. Briscoe, Rep Herrod, and Rep. Wilson absent for the vote.

Ms. Naegle clarified that the correct amount for item #12, Governor’s Office, Auditor, Nursing and Health Specialists, on the “Ongoing Requests EOCJ Submitted Priorities” list, is \$215,000.

MOTION: Rep. Hutchings moved to approve the amount of \$215,000 for item #12, Governor’s Office, Auditor, Nursing and Health Specialists, on the “Ongoing Requests EOCJ Submitted Priorities” list. The motion passed unanimously with Rep. Briscoe, Rep. Herrod, Rep. Wilson and Sen. McAdams absent for the vote.

MOTION: Rep. Hutchings moved to approve the following intent language concerning item #10, Court – Guardian ad Litem, Attorney and Support Staff, 1 Vehicle (GAL), on the “Ongoing Requests EOCJ Submitted Priorities” list:

"If the Legislature approves the ongoing Building Block request for the Guardian ad Litem Attorney and associated vehicle, it will then be the intent of the Legislature to grant authority for the purchase of one additional vehicle."

The motion passed unanimously with Rep. Briscoe, Rep. Herrod, Rep. Wilson and Sen. McAdams absent for the vote.

MOTION: Rep. Hutchings moved to approve the “Ongoing Requests EOCJ Submitted Priorities” list and the “One-time Requests, EOCJ Submitted Priorities” list as prioritized. The motion passed unanimously with Rep. Briscoe, Rep. Herrod, Rep. Wilson and Sen. McAdams absent for the vote.

MOTION: Pres. Waddoups moved to adjourn the meeting. The motion passed unanimously with Rep. Briscoe, Rep. Herrod, Rep. Wilson and Sen. McAdams absent for the vote.

Sen. Thatcher adjourned the meeting at 7:06 p.m.