

**MINUTES OF THE
EXECUTIVE OFFICES & CRIMINAL JUSTICE
APPROPRIATIONS SUBCOMMITTEE
Room 25 House Building
February 15, 2013**

Members Present: Sen. Daniel Thatcher, Co-Chair
Rep. Eric K. Hutchings, Co-Chair
Rep. Keven J. Stratton, House Vice Chair
Sen. Curtis S. Bramble
Sen. Jim Dabakis
Sen. Ralph Okerlund
Sen. Stuart C. Reid
Rep. Rich Cunningham
Rep. Richard Greenwood
Rep. Craig Hall
Rep. Brian S. King
Rep. Merrill F. Nelson
Rep. Curtis Oda

Excused: Sen. Mark B. Madsen
Rep. Gregory H. Hughes
Rep. Jennifer M. Seelig

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.
An audio recording of the meeting can be found at www.le.utah.gov.

1. Welcome and Approval of Minutes

Rep. Hutchings called the meeting to order at 8:05 a.m.

2. Department of Public Safety (DPS)

Statewide Information and Analysis Center (SIAC)

Colonel Keith Squires, Deputy Commissioner, introduced Major Jeff Carr, Deputy Director, State Bureau of Investigation, and gave background information concerning the Statewide Information and Analysis Center (SIAC). The center was created to be a platform for law enforcement and public safety agencies to share information and access available databases. Intelligence liaison officers coordinate the flow of information. SIAC continues to expand and offer training to all law enforcement agencies.

Maj. Carr stated that monthly conference calls are held with intelligence liaison officers, school resource officers, communities of interest within law enforcement agencies, colleges and universities, and drug task forces. The staff currently has three tactical and two strategic analysts. They are requesting funds for one additional drug and gang analyst.

Col. Squires added that SIAC had absorbed some of the previous budget cuts to help preserve the field strength of the Highway Patrol. The budget requests are to replenish the SIAC budget. He said the value of an additional analyst serving investigators around the state is a great force multiplier.

Lance Davenport, Commissioner, DPS, said the Office of the Attorney General would be requesting funding for an additional attorney. That attorney would support the legal needs of DPS. Due to increased complexities and numbers of GRAMA requests, the Department has hired an additional attorney and would utilize that additional help from the Attorney General. Mr. Davenport explained the funding request for trooper overtime and compensation. Trooper compensation is an important part in recruiting and retaining personnel.

Colonel Danny Fuhr, Utah Highway Patrol, discussed the use of overtime shifts for winter storms, holiday weekends, fires and other special needs. He reiterated the need for overtime funding and for additional trooper compensation. When troopers leave the Highway Patrol for other positions with more pay, DPS and the state have the additional costs of hiring and training new troopers. In the last six months, early departures have cost the state \$360,000. Col. Fuhr explained the UHP Compression Compensation budget request in the DPS budget brief.

Mr. Davenport reported on the condition of troopers who have been injured while working during the recent snow storms. He said they have been fortunate that all are recovering, but noted it is very dangerous work.

Col. Fuhr also reported on the recovery of a seriously injured trooper. He stated that it costs \$36,200 for direct costs and \$25,948 for indirect costs to replace a trooper who leaves. Historically, they have an average of ten troopers who retire with benefits and ten who leave as early departure. Early departures have been higher in recent years.

Gary Syphus, Fiscal Analyst, discussed the DPS budget briefs, which include Analyst recommendations, intent language and Building Block requests. He reminded committee members of the "EOCJ Appropriations Follow-Up, FY 2013 and FY 2012 Supplemental" issue brief provided earlier.

3. Office of the Attorney General (AG)

John Swallow, Attorney General, introduced Werner Haidenthaller, Chief Administrative Officer, Kirk Torgensen, Chief Deputy, Criminal Division, Brian Tarbet, Chief Deputy, General Counsel, Wade Faraway, Prosecutor, and Ken Wallentine, Investigations, and provided the committee with a packet of information. Mr. Swallow stated they provide legal representation to every agency in the state and prosecute all criminal appeals. Their budget is largely for personnel and he praised the quality of their staff. The Office brought in \$171 million to the state General Fund. Another \$160 million was recovered for Utah citizens. Total expenditures were about \$60 million. The bar chart showing State, Federal, and Dedicated Credit and Transfer funding was explained. Mr. Swallow discussed the division of responsibility and workload to illustrate the need for additional requested attorneys.

Rep. Hutchings relinquished the Chair to Sen. Thatcher.

Mr. Swallow outlined the Attorney General Building Block requests.

- 1) \$300,000 to fund two child welfare attorneys and a paralegal
- 2) \$100,000 to fund a Natural Resources' Fire, Forestry, and State Lands division attorney
- 3) \$100,000 to fund a Public Safety attorney
- 4) \$250,000 for IRIS (Identity Theft Reporting Information System)
- 5) \$250,000 for ICAC (Internet Crimes Against Children)

Attorney compensation was discussed. In the future, the Office will ask the committee to consider raising compensation to help attorney retention. In response to committee questions, Mr. Swallow stated that all attorneys in the Office do not work on things that bring money into the state. Of the four attorneys requested, two may have some economic benefit to the state.

Mr. Swallow stated that House Bill 148 allows the state to request the Federal government to turn over Federal lands to the State. He said the Office will research, explore and evaluate options with full integrity, honoring the policy decisions of the Legislature. He felt this would spur good discussion as the State looks for a resolution to the situation.

Mr. Haidenthaler emphasized the request for non-lapsing authority, stating those funds would be used on very valid needs.

Rep. Greenwood suggested the committee look at the loss of professional state employees due to compensation rates over the interim.

Sen. Thatcher added to also consider how state support of local entities allows those entities to pay higher wages, often hiring state employees.

Rep. King expressed concern about the code of administrative rules relating to outside employment in the Attorney General's Office as it relates to the question of attorney compensation.

4. Office of the Governor

Zackery King, Fiscal Analyst, discussed the budget briefs for the Governor's Office. The Governor's Office line items include Governor's Office, Planning and Budget, Constitutional Defense Council, Public Lands Litigation, Civil and Character Education, LeRay McAllister Critical Land Conservation Program, Emergency Fund, and the Inspector General of Medicaid Services. The Commission on Criminal and Juvenile Justice, also under the Governor's Office, was scheduled to be heard at a later meeting. The staff also provided an issue brief with intent language follow-up information from the 2012 General Session.

Sandy Naegle, Financial Manager, introduced Tami Pyfer, Education, Alan Matheson, UCAIR, and Kathleen Clarke, Public Lands Litigation. Ms. Naegle explained the Office request that \$1 million be appropriated from restricted funds to the Constitutional Defense Account and the request for non-lapsing authority. SB 176, which includes changing the name from the Governor's Office of Planning and Budget to the Governor's Office of Management and Budget, and creates a statewide performance

measurement system, was introduced. A handout on this change and building block requests was provided to the committee.

Ms. Clarke stated that the Governor's Office works with the Attorney General's Office on public land litigation. Funds from the Governor's Office are used to pay the AG Office for their attorneys' work.

Mr. King gave further clarification on how those funds are appropriated.

Sen. Dabakis requested staff to look at putting all the information concerning public lands litigation spending together in one place.

Budget Requests:

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| 1) Public Land Litigation | \$1,000,000 |
| 2) Emergency Fund Replenishment | \$44,200 one-time |
| 3) Public Information Officer | \$118,500 ongoing |
| 4) Energy Officer Coordinator | \$60,000 ongoing |
| 5) UCAIR Clean Air Partnership | \$50,000 one-time |
| 6) Quality Growth to Preserve Open Space | \$200,000 ongoing |

The Office also requested intent language for a state vehicle be added to the intent language in the briefs.

John Bennett, Executive Director, Utah Quality Growth Commission, stated that the LeRay McCallister fund has worked on projects in 19 of the 29 counties in the state.

5. Other Business/Adjourn

MOTION: Rep. Stratton moved to adjourn the meeting. The motion passed unanimously with Sen. Bramble, Sen. Dabakis, Sen. Okerlund, Sen. Reid, Rep. Greenwood, and Rep. Hutchings absent for the vote.

Sen. Thatcher adjourned the meeting at 9:50 a.m.

Sen. Daniel W. Thatcher, Co-Chair

Rep. Eric K. Hutchings, Co-Chair