

**MINUTES OF THE
EXECUTIVE OFFICES & CRIMINAL JUSTICE
APPROPRIATIONS SUBCOMMITTEE
Room 25 House Building
February 3, 2015**

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. Jani Iwamoto
Sen. Scott K. Jenkins
Sen. Ralph Okerlund
Rep. Rich Cunningham
Rep. Sophia DiCaro
Rep. Brian S. King
Rep. Merrill F. Nelson
Rep. Curtis Oda
Rep. Angela Romero
Rep. V. Lowry Snow

Staff Present: Mr. Gary Syphus, Fiscal Analyst
Ms. Clare Tobin Lence, Fiscal Analyst
Ms. Jennifer Eyring, Committee Secretary

Note: A copy of related materials and an audio recording of the meeting can be found at www.le.utah.gov.

Co-Chair Thatcher called the meeting to order at 8:00 a.m.

Base Budget Review: Analyst Presentation and Agency Response

2. State Courts (Judicial Branch)

Mr. Gary Syphus, Fiscal Analyst, outlined the responsibilities, budget, and line items as listed on the Compendium of Budget Information (COBI). He illustrated how to find the base budget bill, SB 6 Executive Offices and Criminal Justice Base Budget, on the Internet, and to use the links to find specific information for any of the agencies. Budget Effectiveness Review items include: Matheson Courthouse Bond Expiration, GAL Staff Reduction, and Staff/Program Discretionary Reduction. The GAL (Guardian ad Litem) item will be addressed at a later meeting. Building Block requests include: Reduce Trust Interest Account funding and replace it with General Funds - \$581,000; Supplemental to fund the FY 2014 Juror/Witness/Interpreter (JWI) deficit - \$814,200; and JWI ongoing Base Budget increase to current expenditure levels - \$950,000. The JWI budget has historically had a yearly shortfall that has been addressed with supplemental funding. The Performance Audit on the Courts suggested that some offenders might be able to go through the Drug Courts, eliminating the cost of incarceration.

Mr. Dan Becker, State Court Administrator, assisted by Mr. Ray Wahl, Deputy Court Administrator, gave a progress report on improvements. Elements of the new business model include changing a paper based system to an all electronic system, restructuring the Office of the Clerk of Courts, and strengthening case management. The conversion to e-filing is in progress for Juvenile and Appellate

Courts, and is complete for District and Justice Courts. Over time, the FTE level has been reduced with improved service and performance. Mr. Becker stated one of the biggest complaints has been delays and showed charts illustrating improvement in those areas over the last few years. Time for Deposition charts for District and Juvenile Courts were discussed. The goal is to have 95% of cases complete within the Recommended Time Standard. All information is available on their website, www.utcourts.gov. In addressing the 2% budget reduction options, Mr. Becker stated they have plans for the \$1.38 million from the Matheson Courthouse bond expiration. The most pressing facility need is a District Courthouse in Provo. They have planned for three funding sources to come together to pay for the new Courthouse. He explained which agencies may be able to use buildings vacated by the Courts if the new Courthouse is built. The Staff/Program Discretionary Reduction of \$829,000 would probably be taken from Juvenile and Appellate Courts. In response to committee questions, Mr. Becker stated that Utah County would retain courthouses in Spanish Fork and American Fork.

Mr. Alyn Lunceford said the current Provo Courthouse was designed in the 80's and the cost to remodel would be twice the value of the building.

Mr. Becker added that there are limits to downsizing personnel and acknowledged that staff are already stretched. The first Building Block request was explained. In the past when funds were tight, \$581,000 was funded through the Trust Interest Restricted Account. Interest rates have dropped and that fund will be depleted. They are requesting that appropriation be returned to ongoing General Funds. The JWI Building Block was explained and noted that the Legislature has traditionally funded the deficit as supplemental funding.

3. Department of Public Safety (DPS)

Mr. Syphus gave a brief overview of DPS responsibilities and budget line items as found in the COBI. Budget Effectiveness Review options include: Aero Bureau Elimination; Current Expense and Other Purchases (Highway Patrol body camera upkeep and data storage); and Replace Utah Highway Patrol funding with Restricted Funding (Transportation Fund - Public Safety Restricted account).

Mr. Keith Squires, Commissioner, described how they have implemented their goal of "One DPS". He felt their many diverse roles have improved by working together and looking for efficiencies. The Department was able to add two investigators, one Sergeant position, and one analyst position for the Cyber Investigation Unit. In coordination with the FBI, Operation Wellspring was started as a pilot program. The unit has worked with other states, the Nigerian National Police, and hosted a Cyber Symposium that was attended by 38 other states and FBI partners. Mr. Squires stated that attacks against the State have spiked at upwards of 300 million attacks in a 24 hour period. There is evidence that the increase may be due to the National Security Agency facility located in the state.

Colonel Danny Fuhr, Superintendent of the Utah Highway Patrol (UHP), reported that they have been able to implement the UHP benchmarks to be eligible for salary increases. He said that they are grateful for the funding and it has eased the turnover rate and the number of troopers having second jobs. They have also increased trooper coverage along I-15.

Mr. Jeff Carr, Deputy Commissioner, stated they have sent the first 100 sexual assault DNA kits to a contract lab for testing. The Department is requesting \$500,000 one-time funding for DNA robotic

equipment, software, and training to be used in conjunction with \$500,000 from DPS funds; \$500,000 ongoing general funds for five new DNA analyst positions; \$300,000 ongoing general funds to retain three DNA analyst positions; and \$252,000 ongoing general funds for chemical reagents, DNA testing, and equipment maintenance.

Mr. Joe Brown, Administrative Services Director, explained that the three DNA analysts were paid out of carryover funding, with the idea that five years might be long enough to reduce the backlog of DNA kits.

Mr. Carr indicated that DNA submissions to the Crime Lab have increased sharply and case turn around times have likewise increased. The Crime Lab has made internal operational adjustments and has worked with local agencies on submissions to try to expedite the process. Local agencies are also starting to provide personnel, such as serologists or crime scene personnel to the lab.

Col. Fuhr explained the UHP funding requests including: non-lapsing authority to use \$1 million carryover funds for UHP overtime, and non-lapsing authority to use \$356,000 carryover funds for Capitol Security overtime.

Mr. Squires discussed a request for \$100,000 ongoing general funding to add a State Bureau of Investigation agent in the Uintah basin.

Mr. Brown explained the request to shift \$500,000 from the DPS - JJA Commissioner line item to the Peace Officer Training and Standards (POST) line item to cover the restricted fund shortfall; restricted fund requests for the Driver License and Fire Marshall Divisions; and compensation recommendations in the Governor's budget. The Department has about \$25 million in carryover funds that they have been authorized to use during FY 2015. Of those funds, \$11 million are in restricted accounts, and there are commitments for the remaining funds, with an amount left for emergencies. He stated the items on the Budget Effectiveness Review list would be the least difficult reductions.

Mr. Squires said they were evaluating the use of the second helicopter in southern Utah and that POST is always looking for enhanced training opportunities.

Mr. Brown stated the bill passed in another committee concerning POST funding from the Uninsured Motorist Restricted Account did not affect their POST funding request for this year.

4. Governor's Office

Ms. Clare Tobin Lence, Fiscal Analyst, gave an overview of line items, funding sources, pass through accounts, and expenditures as found on the COBI. It was explained that a previous provision required that \$1 million from the Land Exchange Distribution Account be placed in the Constitutional Defense Restricted Account before being distributed to agencies. The provision no longer exists, but the practice continues. It was recommended that if the Legislature wants the practice to continue, intent language to that effect be put into place. The Office is requesting \$1 million one-time funds for the Public Lands Litigation line item and recommends the line item be moved to the Public Lands Policy Coordinating Office (PLPCO). The Governor's Office of Management and Budget (GOMB) is requesting \$26,000 in dedicated credits for FY2015 and FY 2016. Budget Effectiveness Review items include: Character Education, Criminal Justice Research (CCJJ), Extraditions Expenditures (CCJJ), Judicial Performance

Evaluation Commission Data Processing (CCJJ), Staff and Operations, and Pay for Success Administration.

Mr. Syphus clarified that the committee could make a recommendation to move the Public Lands Litigation line item and it would have to be approved.

Tenielle Young, Financial Manager, Governor's Office of Management and Budget (GOMB), discussed Budget Effectiveness Review items and Building Block requests. She indicated the Office is requesting \$210,000 ongoing funds for Operations, in contrast to the reduction option to reduce funds by \$173,500. The Office of the Lieutenant Governor is requesting \$3 million one-time funds if the State decides to hold a Primary Presidential election. The Character and Civic Education program was explained. The funding reduction option would end the program. The Public Lands Litigation line item is related to the Constitutional Defense Council, another line item under the Governor's Office, which will use all remaining funds in FY 2015, and the Federal Review Commission, a program under the Governor's Office line item, where funds have been allowed to build.

Mr. Phil Dean, Deputy Director, GOMB, reviewed the SUCCESS program and how they have used it to help agencies maximize effectiveness and prepare agency budget requests. Pay for Success was explained and the GOMB recommends that the entire 2% budget reduction be taken from the School Readiness portion of the program and not from Administration.

Mr. Dean discussed the requests of \$150,000 one-time funds for the Privatization Board, \$100,000 one-time funds for the Water Pricing Study, and \$400,000 one-time funds for the Enterprise Performance Fund. He noted that the Governor's Office has withdrawn the request for \$100,000 in one-time funds for Doing Business in Utah.

MOTION: Vice-Chair Stratton moved to adjourn. The motion was passed unanimously with Sen. Bramble, Sen. Jenkins, Sen. Okerlund and Rep. Cunningham absent for the vote.

Co-Chair Thatcher adjourned the meeting at 9:50 a.m.

Sen. Daniel W. Thatcher, Co-Chair

Rep. Eric K. Hutchings, Co-Chair