

**MINUTES OF THE
EXECUTIVE OFFICES & CRIMINAL JUSTICE
APPROPRIATIONS SUBCOMMITTEE
Room 25 House Building
February 13, 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
Rep. Rich Cunningham
Rep. Sophia DiCaro
Rep. Brian S. King
Rep. Curtis Oda
Rep. Angela Romero
Rep. V. Lowry Snow

Members Excused: Sen. Ralph Okerlund
Rep. Merrill F. Nelson

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 Hutchings called the meeting to order at 8:11 a.m.

2. Remaining EOCJ Budget Requests

Rep. Dixon Pitcher discussed the request for the Swanson Tactical Training Center for \$1,500,000 one-time funding. Two items provided, "Swanson Tactical Training Center" handout and brochure, explained the background, funding request, training available, and partnerships for the Center.

Mr. James Ebert, Weber County Commissioner, pointed out the list of current users and emphasized the Center is a statewide resource.

Mr. Klint Anderson, Chief Deputy, Weber County Sheriff's Office, elaborated on the types of training available at the Center. The facility is owned by Weber County and will also include public use, such as hunter safety.

Co-Chair Hutchings reviewed committee handouts: "Executive Offices and Criminal Justice Appropriations Subcommittee - Reallocations, One-time, Ongoing, and Mandatory List" (green sheets); "Executive Offices and Criminal Justice Appropriations Subcommittee Prioritization for Ongoing Funding" (yellow sheet); "Executive Offices and Criminal Justice Appropriations Subcommittee Prioritization for One-Time Funding" (orange sheet); "EOCJ Chairs Justice Reinvestment Initiative 2.13.15" (white sheet); "Executive Offices and Criminal Justice Appropriations Subcommittee Non-State

Funds for Subcommittee Approval, Transfers and Other Budget Actions, and Intent Language Addendum for Subcommittee Approval" (blue sheets); and "EOCJ Motion Sheet" (pink sheet).

Mr. Andrew Riggle, Public Policy Advocate, Disability Law Center, provided and discussed a handout "Mental Health in the Criminal Justice System." Mr. Riggle spoke about the shortage of forensic beds at the Utah State Hospital, stating that individuals awaiting competency evaluations remain in county jails, despite not having been found guilty of a crime. He also spoke about the need for more mental health services in jails and prisons. He expressed support for the Governor's recommendation for nine additional medical and mental health staff, the Justice Reinvestment Initiative, and Medicaid Expansion.

1. Minutes

MOTION: Co-Chair Thatcher moved to approve the minutes for the February 7, 2014, February 11, 2014, February 13, 2014, August 5, 2014, November 20, 2014, January 28, 2015, January 30, 2015, and February 3, 2015 meetings. The motion passed unanimously with Sen. Bramble and Rep. Romero absent for the vote.

3. Non-State Funds/Other Actions

Mr. Gary Syphus, Fiscal Analyst, reviewed items on the "Executive Offices and Criminal Justice Appropriations Subcommittee Non-State Funds for Subcommittee Approval" (page 1, blue sheet). Agencies are requesting approval to use these funds. Additional Federal Funds have become available to the Department of Public Safety.

Ms. Clare Tobin Lence, Fiscal Analyst, explained items on the blue sheet that pertained to the Governor's Office and the Attorney General.

MOTION: Vice Chair Stratton moved to approve the items as listed in the document "Executive Office and Criminal Justice Appropriations Subcommittee - Non-State Funds for Subcommittee Approval" dated February 13, 2015 and forward to EAC (Executive Appropriations Subcommittee) for their consideration.

Mr. Dan Becker, Court Administrator, reviewed the request to restore \$581,000 as General Funding instead of from the Court Trust Interest Restricted Account.

Ms. Lence explained the Federal Funds - Defense Human Resources Activity and Help America Vote grants for \$111,300 listed under the Governor's Office.

Mr. Dave Walsh, Deputy Director, Commission on Criminal and Juvenile Justice (CCJJ), explained the Victims of Crime Act (VOCA) Federal Funds for \$13,900,000.

The motion to approve Non-State Funds passed unanimously with Rep. Romero absent for the vote.

Mr. Syphus explained the items on the "Executive Offices and Criminal Justice Appropriations Subcommittee - Transfers and Other Budget Actions" (page 2, blue sheet). It was recommended to move funding for the Emergency Management National Guard Response under the Department of Public

Safety to its own dedicated line item to facilitate transparency. It was also recommended to move Jail Reimbursement funding from the Infrastructure and General Government Appropriations Subcommittee to the Executive Offices and Criminal Justice Appropriations Subcommittee to a dedicated line item in the Governor's Office to be overseen by CCJJ.

Mr. Walsh gave some background information on the jail reimbursement transfer, stating they already administer the program.

Ms. Lence explained the recommendation to move Public Lands Litigation and Constitutional Defense Council line items from the Governor's Office to the Public Lands Policy Coordinating Office (PLPCO).

MOTION: Vice Chair Stratton moved to approve the items as listed in the document "Executive Office and Criminal Justice Appropriations Subcommittee - Transfers and Other Budget Actions" dated February 13, 2015 and forward to EAC for their consideration. The motion passed unanimously with Rep. Romero absent for the vote.

Mr. Syphus explained the Department of Corrections intent language on the "Executive Offices and Criminal Justice Appropriations Subcommittee, Intent Language Addendum for Subcommittee Approval" (page 3, blue sheet).

MOTION: Vice Chair Stratton moved to approve the intent language as listed in the document "(Updated) Executive Offices and Criminal Justice Appropriations Subcommittee Intent Language" dated February 11, 2015 and "Executive Office and Criminal Justice Appropriations Subcommittee - Intent Language Addendum for Subcommittee Approval" dated February 13, 2015 and forward to EAC for their consideration.

Ms. Lence clarified that intent language concerning the Constitutional Defense Restricted Account reflects how it has been handled historically, and is potential language the committee may want to approve. Some agencies affected by the intent language were not in attendance at the meeting to respond.

Mr. Syphus said the intent language has been reviewed for compliance to statute, but is written as requested by the agencies.

The motion to approve intent language passed unanimously with Rep. Romero absent for the vote.

4. Voting/Prioritization

MOTION: Co-Chair Thatcher moved to approve Federal Funds as listed in "EOCJ Federal Funds, FY 2015 Supplemental and FY 2016" dated January 26, 2015 and forward to EAC for their consideration. The motion passed unanimously with Rep. Romero absent for the vote.

MOTION: Co-Chair Thatcher moved to approve the fees listed in SB 8 Draft and forward to EAC for their consideration. The motion passed unanimously with Rep. Cunningham and Rep. Romero absent for the vote.

MOTION: Co-Chair Thatcher moved to approve the items as listed in the document "Executive Offices and Criminal Justice - Mandatory List" dated February 13, 2015 and forward to EAC for their consideration. The motion passed unanimously with Rep. Romero absent for the vote.

MOTION: Co-Chair Thatcher moved to approve the items listed in the document "Executive Offices and Criminal Justice - Reallocations" dated February 13, 2015, with a spelling correction, and forward to EAC for their consideration. The motion passed unanimously with Rep. Romero absent for the vote.

Co-Chair Hutchings explained three handouts he prepared to give some historical budget information. The handouts included: "Total Appropriations for Criminal Justice Agencies Since FY 2000," "Nonlapsing Funds as a Percentage of Total Available Budget Over Time for All Criminal Justice Agencies," and "Criminal Justice Agency Budget Changes by Amount and Percent Since FY06."

Mr. Joe Brown, Administrative Services Director, Department of Public Safety, clarified the Utah Highway Patrol compensation funding for the current fiscal year is ongoing funding and is in the base budget bill. He said the bill Co-Chair Hutchings is sponsoring this session will make sure they can use it in the way it was intended.

The following motions refer to the "Executive Offices and Criminal Justice Appropriations Subcommittee, Prioritization for Ongoing Funding" and "Executive Offices and Criminal Justice Appropriations Subcommittee, Prioritization for One-Time Funding."

MOTION: Sen. Thatcher moved to move Public Safety - DNA/Sexual Assault Collections Project - Supplies from the Ongoing List to below Juvenile Justice Services - Weber Valley Detention on the One-Time list. The motion passed unanimously.

MOTION: Sen. Thatcher moved to remove Public Safety - DNA/Sexual Assault collection - Crime Lab Automation from the One-Time list because it was addressed on the Reallocations list. The motion passed unanimously.

MOTION: Sen. Thatcher moved to move Rep. Jack Draxler - LeRay McAllister Fund Land Protection from the Ongoing list to below Rep. Keven Stratton - Police Use-of-Force Training System on the One-Time list.

SUBSTITUTE MOTION: Sen. Bramble moved to move Rep. Jack Draxler - LeRay McAllister Fund Land Protection from the Ongoing list to below Sen. Kevin Van Tassell - Court Legal Fees - Endangered Species on the One-Time list, and to change the amount from \$500,000 to \$350,000. The motion passed with Rep. King voting in opposition.

MOTION: Rep. DiCaro moved to combine Public Safety - DNA/Sexual Assault Collection Project - New Staff and Public Safety - DNA/Sexual Assault Collection Project - Existing Staff on the Ongoing list in the amount of \$800,000 and to have the combined items listed below Corrections - Correctional Staff Compensation on the Ongoing list.

Mr. Jeff Carr, Deputy Commissioner, Department of Public Safety, stated that the issue of compression

for senior forensic scientists is the greater concern and has been addressed in by the Governor's budget.

Mr. Jay Henry, Director, Utah State Crime Lab, Department of Public Safety, said it is harder to retain experienced scientists than to attract new hires.

The motion passed unanimously in the House but failed in the Senate with Sen. Iwamoto voting in favor of the motion and Sen. Jenkins absent for the vote.

MOTION: Sen. Iwamoto moved to move Courts - Judge Salary Adjustment on the Ongoing list to below Pardons/Corrections/Gov - Justice Reinvestment Initiative on the Ongoing list.

Mr. Becker explained that Judge salaries and Judgeships in the past have not been prioritized by the committee, but have been handled through EAC or legislation.

SUBSTITUTE MOTION: Sen. Bramble moved to move Courts - 4th District Juvenile Court Judge and Staff on the Ongoing list to below Corrections - Gunnison Prison Operation Costs on the Ongoing list. The motion passed unanimously with Sen. Jenkins absent for the vote.

MOTION: Sen. Thatcher moved to remove Pardons/Corrections/Gov - Justice Reinvestment Initiative on the Ongoing list and Pardons/Corrections/Gov - Justice Reinvestment Initiative on the One-Time list and treat them as a separate item as found on "EOCJ Chairs Justice Reinvestment Initiative," dated February 13, 2015, and forward to EAC for their consideration. The motion passed unanimously with Sen. Jenkins absent for the vote.

MOTION: Rep. Oda moved to move Rep. Dixon Pitcher - Swanson Tactical Facility on the One-Time list to below Rep. Keven Stratton - Police Use-of-Force Training System on the One-Time list. The motion passed with Rep. DiCaro, Rep. King, and Rep. Romero voting in opposition and Sen. Jenkins absent for the vote.

MOTION: Sen. Thatcher moved to move Sen. Stuart Adams - WFRC/MAG Transportation Planning on the Ongoing list to below Corrections - Jail Contracting Rate Increase on the Ongoing list. The motion passed unanimously with Sen. Jenkins absent for the vote.

MOTION: Sen. Bramble moved to approve the Ongoing and One-Time lists as prioritized. The motion passed unanimously with Sen. Jenkins absent for the vote.

Rep. Snow stated it would be helpful in the future to have a rough estimate from EAC of the funding available to the committee as they deliberate. He also recommended that items not appear before multiple committees.

Co-Chair Hutchings said economic numbers should be available next week and encouraged committee members to speak with members of the EAC. He said he felt EAC respects the work the committee puts into their recommendations.

Mr. Syphus and Ms. Lence created and distributed copies of the newly prioritized lists,

"Executive Offices and Criminal Justice Appropriations Subcommittee Prioritization for Ongoing Funding, and Prioritization for One-Time Funding."

Vice Chair Stratton, Sen. Iwamoto, Co-Chair Thatcher, and Co-Chair Hutchings expressed appreciation to Mr. Syphus, Ms. Lence, Committee members, and all who have participated in the work of the committee.

MOTION: Rep. Oda moved to adjourn. The motion passed unanimously with Sen. Bramble and Sen. Jenkins absent for the vote.

Co-Chair Hutchings adjourned the meeting at 10:47 a.m.

Sen. Daniel W. Thatcher, Co-Chair

Rep. Eric K. Hutchings, Co-Chair