

**MINUTES OF THE
EXECUTIVE OFFICES AND CRIMINAL JUSTICE APPROPRIATIONS SUBCOMMITTEE**

Tuesday, February 13, 2018 • 4:00 p.m. • 25 House Building

Members Present:

Sen. Daniel W. Thatcher, Senate Chair
Rep. Eric K. Hutchings, House Chair
Rep. Bruce R. Cutler, House Vice Chair
Sen. Curtis S. Bramble
Sen. Margaret Dayton
Sen. Lincoln Fillmore
Sen. Jani Iwamoto
Rep. James A. Dunnigan
Rep. Brian M. Greene
Rep. Ken Ivory
Rep. Brian S. King

Rep. Angela Romero
Rep. Logan Wilde

Members Absent:

Sen. Peter C. Knudson
Sen. Ralph Okerlund
Rep. Cheryl K. Acton

Staff Present:

Ms. Linda Service, Committee Secretary
Mr. Gary R. Syphus, Fiscal Analyst
Mr. Alexander R. Wilson, Fiscal Analyst

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

House Chair Hutchings called the meeting to order at 4:31 p.m.

1 . 4:00 pm: Call to Order/Approval of Minutes

Chair Hutchings instructed the committee on the procedure for the meeting.

2 . 4:15 pm: Legislator Requests

Hospital Response Teams: \$150,000 ongoing - Rep. King, Rep. Romero, and Rep. Wilson. Ms. Maura Haight, Executive Director, Rape Recovery Center, spoke to the request.

BCI State Funding: Rep. Greene addressed an issue in the Bureau of Criminal Identification.

Mr. Joseph Brown, Director, Department of Public Safety, and Ms. Alice Moffatt, Bureau of Criminal Identification, responded to questions from committee members.

MOTION: Rep. Greene moved to reallocate approximately \$1.4 million or \$1.5 million from Fee revenue to General Fund revenue. Motion #1: "I move to make the Department of Public Safety - Bureau of Criminal Identification a separate line item divided into two programs (1) Law Enforcement/Criminal Justice Services, and Non-Government/Other Services. I further move that funding reflect an estimated funding split of 25% and 75% respectively for these proposed programs currently within the single Bureau of Identification Program and that the Legislative Fiscal Analyst work with the Department of Public Safety to reflect this change, including any technical changes in House Bill 6, Executive Offices and Criminal Justice Appropriations Subcommittee Base Budget."

SUBSTITUTE MOTION: Senate Chair Thatcher moved to amend Rep. Greene's Motion #1 to include "It is our intent that there be a split 'subject to appropriation' at the end." Mr. Brown provided clarification. The Substitute motion passed with a vote of 13 - 0 - 3 .

Yeas-13

Sen. C. Bramble
Rep. B. Cutler

Nays-0

Absent-3

Rep. C. Acton
Sen. P. Knudson

Executive Offices and Criminal Justice Appropriations Subcommittee

February 13, 2018

Page 2

Sen. M. Dayton
Rep. J. Dunnigan
Sen. L. Fillmore
Rep. B. Greene
Rep. E. Hutchings
Rep. K. Ivory
Sen. J. Iwamoto
Rep. B. King
Rep. A. Romero
Sen. D. Thatcher
Rep. L. Wilde

Sen. R. Okerlund

MOTION: Rep. Greene moved to include the following Intent Language: "The Legislature intends that the Department of Public Safety report on estimated costs for the Bureau of Criminal Identification line item, including Law Enforcement/Criminal Justice and Non-Government/Other Services during the 2019 General Session, including any necessary funding adjustments." The motion passed with a vote of 13 - 0 - 3 .

Yeas-13

Sen. C. Bramble
Rep. B. Cutler
Sen. M. Dayton
Rep. J. Dunnigan
Sen. L. Fillmore
Rep. B. Greene
Rep. E. Hutchings
Rep. K. Ivory
Sen. J. Iwamoto
Rep. B. King
Rep. A. Romero
Sen. D. Thatcher
Rep. L. Wilde

Nays-0

Absent-3

Rep. C. Acton
Sen. P. Knudson
Sen. R. Okerlund

Senate Chair Thatcher assumed the chair.

Cold Case Investigations: \$200,000 ongoing, CCJJ, Rep. Hutchings.

House Chair Hutchings resumed the chair.

MOTION: Sen Thatcher moved to approve the minutes of the February 14, 2017, July 26, 2017, and the October 30, 2017 meeting. The motion passed with a vote of 12 - 0 - 4 .

Yeas-12

Sen. C. Bramble
Rep. B. Cutler
Sen. M. Dayton
Rep. J. Dunnigan
Rep. B. Greene
Rep. E. Hutchings
Rep. K. Ivory
Sen. J. Iwamoto
Rep. B. King
Rep. A. Romero
Sen. D. Thatcher
Rep. L. Wilde

Nays-0

Absent-4

Rep. C. Acton
Sen. L. Fillmore
Sen. P. Knudson
Sen. R. Okerlund

3 . 4:05 pm: Intent Language

MOTION: Mr. Dave Walsh, Utah Commission on Criminal and Juvenile Justice, requested a change in the intent language for #34, Salt Lake County Jail Housing, to read "FY2018." Rep. Dunnigan moved to include the following language, "This language supercedes any previous language and that it be understood that this is intended for FY 2018 through FY 2020. The motion passed with a vote of 12 - 0 - 4 .

Yeas-12

Sen. C. Bramble
Rep. B. Cutler
Sen. M. Dayton
Rep. J. Dunnigan
Rep. B. Greene
Rep. E. Hutchings
Rep. K. Ivory
Sen. J. Iwamoto
Rep. B. King
Rep. A. Romero
Sen. D. Thatcher
Rep. L. Wilde

Nays-0

Absent-4

Rep. C. Acton
Sen. L. Fillmore
Sen. P. Knudson
Sen. R. Okerlund

MOTION: Senate Chair Thatcher moved to approve the FY 2018 and FY 2019 intent language identified in the document titled "EOCJ: Legislative Intent Language" in today's meeting materials as amended. The motion passed with a vote of 12 - 0 - 4 .

Executive Offices and Criminal Justice Appropriations Subcommittee

February 13, 2018

Page 4

Yeas-12

Sen. C. Bramble
Rep. B. Cutler
Sen. M. Dayton
Rep. J. Dunnigan
Rep. B. Greene
Rep. E. Hutchings
Rep. K. Ivory
Sen. J. Iwamoto
Rep. B. King
Rep. A. Romero
Sen. D. Thatcher
Rep. L. Wilde

Nays-0

Absent-4

Rep. C. Acton
Sen. L. Fillmore
Sen. P. Knudson
Sen. R. Okerlund

MOTION: Senate Chair Thatcher moved to approve EOCJ fees shown in House Bill 8, "State Agency Fees and Internal Service Fund Rate Authorization and Appropriations" starting on Line 1312 through line 1715 in today's meeting materials. Sen. Thatcher withdrew his motion.

MOTION: Rep. Greene moved to adjust fees for "Expungement," "Application," and "Certificate of Eligibility" on lines #16, #13 #16, #14, #16, and #15, and change them to \$65. The motion passed with a vote of 11 - 0 - 5 .

Yeas-11

Sen. C. Bramble
Rep. B. Cutler
Sen. M. Dayton
Rep. J. Dunnigan
Rep. B. Greene
Rep. E. Hutchings
Sen. J. Iwamoto
Rep. B. King
Rep. A. Romero
Sen. D. Thatcher
Rep. L. Wilde

Nays-0

Absent-5

Rep. C. Acton
Sen. L. Fillmore
Rep. K. Ivory
Sen. P. Knudson
Sen. R. Okerlund

MOTION: Senate Chair Thatcher moved to approve EOCJ fees shown in House Bill 8, "State Agency Fees and Internal Service Fund Rate Authorization and Appropriations" starting on line 1312 through line 1715 in today's meeting materials. The motion passed with a vote of 11 - 0 - 5 .

Yeas-11

Sen. C. Bramble

Nays-0

Absent-5

Rep. C. Acton

Executive Offices and Criminal Justice Appropriations Subcommittee

February 13, 2018

Page 5

Rep. B. Cutler
Sen. M. Dayton
Rep. J. Dunnigan
Rep. B. Greene
Rep. E. Hutchings
Sen. J. Iwamoto
Rep. B. King
Rep. A. Romero
Sen. D. Thatcher
Rep. L. Wilde

Sen. L. Fillmore
Rep. K. Ivory
Sen. P. Knudson
Sen. R. Okerlund

MOTION: Senate Chair Thatcher moved to approve the Non-State Fund requests in the voting packet listed on the page titled "Non-State Funding Requests." The motion passed with a vote of 11 - 0 - 5 .

Yeas-11

Sen. C. Bramble
Rep. B. Cutler
Sen. M. Dayton
Rep. J. Dunnigan
Rep. B. Greene
Rep. E. Hutchings
Sen. J. Iwamoto
Rep. B. King
Rep. A. Romero
Sen. D. Thatcher
Rep. L. Wilde

Nays-0

Absent-5

Rep. C. Acton
Sen. L. Fillmore
Rep. K. Ivory
Sen. P. Knudson
Sen. R. Okerlund

MOTION: Senate Chair Thatcher moved to approve the transfers and technical corrections requests in the voting packet listed on the page titled "Transfer/Technical Corrections." The motion passed with a vote of 11 - 0 - 5 .

Yeas-11

Sen. C. Bramble
Rep. B. Cutler
Sen. M. Dayton
Rep. J. Dunnigan
Rep. B. Greene
Rep. E. Hutchings
Sen. J. Iwamoto
Rep. B. King
Rep. A. Romero

Nays-0

Absent-5

Rep. C. Acton
Sen. L. Fillmore
Rep. K. Ivory
Sen. P. Knudson
Sen. R. Okerlund

Sen. D. Thatcher

Rep. L. Wilde

MOTION: Senate Chair Thatcher moved to approve the following items to be restored to the Division of Juvenile Justice Services from the reduction of \$14 million during the base budget process of the Executive Offices and Criminal Justice Appropriations Subcommittee (page 4 and page 5 of the voting packet.) Approve the two pages as is. No vote was taken.

MOTION: Rep. Dunnigan moved to take #5 on the top and #5 on the bottom of the Final Cut list and moved that it is the intent of the Legislature that those monies be used to facilitate partnerships with community based programming around the state. The motion passed with a vote of 11 - 1 - 4 .

Yeas-11

Sen. C. Bramble

Rep. B. Cutler

Sen. M. Dayton

Rep. J. Dunnigan

Rep. E. Hutchings

Rep. K. Ivory

Sen. J. Iwamoto

Rep. B. King

Rep. A. Romero

Sen. D. Thatcher

Rep. L. Wilde

Nays-1

Rep. B. Greene

Absent-4

Rep. C. Acton

Sen. L. Fillmore

Sen. P. Knudson

Sen. R. Okerlund

MOTION: Senate Chair Thatcher moved that the changes included in the document titled "Executive Branch Options - JJS Audit" under the February 13th meeting materials are approved and supercede the changes approved during the February 9th meeting from the document titled "Potential LFA Options - JJS Audit." The motion passed with a vote of 12 - 0 - 4 .

Yeas-12

Sen. C. Bramble

Rep. B. Cutler

Sen. M. Dayton

Rep. J. Dunnigan

Rep. B. Greene

Rep. E. Hutchings

Rep. K. Ivory

Sen. J. Iwamoto

Rep. B. King

Rep. A. Romero

Nays-0

Absent-4

Rep. C. Acton

Sen. L. Fillmore

Sen. P. Knudson

Sen. R. Okerlund

Sen. D. Thatcher

Rep. L. Wilde

MOTION: Senate Chair Thatcher moved that the Attorney General's Office create an Internal Service Fund billing model for all legal services provided to other state agencies within the budget of the Civil Division and modify appropriations to the Attorney General's Office budget as outlined on the Attorney General - Internal Service Fund page. The motion passed with a vote of 12 - 0 - 4 .

Yeas-12

Sen. C. Bramble

Rep. B. Cutler

Sen. M. Dayton

Rep. J. Dunnigan

Rep. B. Greene

Rep. E. Hutchings

Rep. K. Ivory

Sen. J. Iwamoto

Rep. B. King

Rep. A. Romero

Sen. D. Thatcher

Rep. L. Wilde

Nays-0

Absent-4

Rep. C. Acton

Sen. L. Fillmore

Sen. P. Knudson

Sen. R. Okerlund

MOTION: Senate Chair Thatcher moved to approve the Reallocation List in the Voting Packet listed on the page "EOCJ Chairs List Proposal - Reallocation/Restoration Options." The motion passed with a vote of 12 - 0 - 4 .

Yeas-12

Sen. C. Bramble

Rep. B. Cutler

Sen. M. Dayton

Rep. J. Dunnigan

Rep. B. Greene

Rep. E. Hutchings

Rep. K. Ivory

Sen. J. Iwamoto

Rep. B. King

Rep. A. Romero

Sen. D. Thatcher

Rep. L. Wilde

Nays-0

Absent-4

Rep. C. Acton

Sen. L. Fillmore

Sen. P. Knudson

Sen. R. Okerlund

MOTION: Senate Chair Thatcher moved to adopt the Co-Chairs' proposed starting points for both ongoing and one-time General Fund requests on the documents entitled "EOCJ Chairs List - Starting Point." The motion passed with a vote of 12 - 0 - 4 .

Yeas-12

Sen. C. Bramble
Rep. B. Cutler
Sen. M. Dayton
Rep. J. Dunnigan
Rep. B. Greene
Rep. E. Hutchings
Rep. K. Ivory
Sen. J. Iwamoto
Rep. B. King
Rep. A. Romero
Sen. D. Thatcher
Rep. L. Wilde

Nays-0

Absent-4

Rep. C. Acton
Sen. L. Fillmore
Sen. P. Knudson
Sen. R. Okerlund

The committee discussed the priority list without formal action.

MOTION: Rep. Ivory moved that #32, H.B. 177, Trauma Informed Justice Provisions, be moved to #16. The motion passed with a vote of 10 - 0 - 6 .

Yeas-10

Rep. B. Cutler
Rep. J. Dunnigan
Rep. B. Greene
Rep. E. Hutchings
Rep. K. Ivory
Sen. J. Iwamoto
Rep. B. King
Rep. A. Romero
Sen. D. Thatcher
Rep. L. Wilde

Nays-0

Absent-6

Rep. C. Acton
Sen. C. Bramble
Sen. M. Dayton
Sen. L. Fillmore
Sen. P. Knudson
Sen. R. Okerlund

No official action could be taken due to lack of quorum.

MOTION: Rep. King moved to reallocate \$2 million one-time on #4, Indigent Defense Commission, one-time, and move to supplement and be in addition to #9, Indigent Defense Commission, ongoing

general fund requests. The motion passed. The motion is to amend the dollar amount from \$1 million to \$3 million, ongoing. The motion failed with a vote of 4 - 6 - 6 .

Yeas-4

Rep. E. Hutchings
Sen. J. Iwamoto
Rep. B. King
Rep. A. Romero

Nays-6

Rep. B. Cutler
Rep. J. Dunnigan
Rep. B. Greene
Rep. K. Ivory
Sen. D. Thatcher
Rep. L. Wilde

Absent-6

Rep. C. Acton
Sen. C. Bramble
Sen. M. Dayton
Sen. L. Fillmore
Sen. P. Knudson
Sen. R. Okerlund

No official action could be taken due to lack of quorum.

MOTION: Rep. Greene moved to have staff send members of the committee the ranked and unranked items on the ongoing and one-time lists. Rep. Greene withdrew his motion.

MOTION: Rep. Greene moved to prioritize #28, BCI State Funding, ongoing, to #17. The motion passed. The motion passed with a vote of 10 - 0 - 6 .

Yeas-10

Rep. B. Cutler
Rep. J. Dunnigan
Rep. B. Greene
Rep. E. Hutchings
Rep. K. Ivory
Sen. J. Iwamoto
Rep. B. King
Rep. A. Romero
Sen. D. Thatcher
Rep. L. Wilde

Nays-0

Absent-6

Rep. C. Acton
Sen. C. Bramble
Sen. M. Dayton
Sen. L. Fillmore
Sen. P. Knudson
Sen. R. Okerlund

No official action could be taken due to lack of quorum.

MOTION: Rep. Wilde moved to move #16, Daggett County, to #7 on the one-time list. The motion passed. The motion passed with a vote of 10 - 0 - 6 .

Yeas-10

Rep. B. Cutler
Rep. J. Dunnigan
Rep. B. Greene
Rep. E. Hutchings

Nays-0

Absent-6

Rep. C. Acton
Sen. C. Bramble
Sen. M. Dayton
Sen. L. Fillmore

Executive Offices and Criminal Justice Appropriations Subcommittee

February 13, 2018

Page 10

Rep. K. Ivory
Sen. J. Iwamoto
Rep. B. King
Rep. A. Romero
Sen. D. Thatcher
Rep. L. Wilde

Sen. P. Knudson
Sen. R. Okerlund

No official action could be taken due to lack of quorum.

Mr. Dale Zabriski, Utah Broadcasters Association, spoke to the Public Education Partnership Program.

MOTION: Senate Chair Thatcher moved to place #20, Safe Driving Radio Campaign, at #8 on the one-time funding list. The motion passed with a vote of 6 - 0 - 10 .

Yeas-6

Rep. B. Cutler
Rep. B. Greene
Rep. E. Hutchings
Rep. K. Ivory
Rep. B. King
Sen. D. Thatcher

Nays-0

Absent-10

Rep. C. Acton
Sen. C. Bramble
Sen. M. Dayton
Rep. J. Dunnigan
Sen. L. Fillmore
Sen. J. Iwamoto
Sen. P. Knudson
Sen. R. Okerlund
Rep. A. Romero
Rep. L. Wilde

No official action could be taken due to lack of quorum.

MOTION: Rep. Ivory moved to move #18, Children's Justice Center - Medical Funding, to what would be officially #18, ongoing. The motion passed. The motion passed with a vote of 7 - 0 - 9 .

Yeas-7

Rep. B. Cutler
Rep. B. Greene
Rep. E. Hutchings
Rep. K. Ivory
Sen. J. Iwamoto
Rep. B. King
Sen. D. Thatcher

Nays-0

Absent-9

Rep. C. Acton
Sen. C. Bramble
Sen. M. Dayton
Rep. J. Dunnigan
Sen. L. Fillmore
Sen. P. Knudson
Sen. R. Okerlund
Rep. A. Romero

Rep. L. Wilde

No official action could be taken due to lack of quorum.

MOTION: Senate Chair Thatcher moved to move #29, Cold Case Investigations, to #20 and #33, Hospital Response Teams, to #19 of the ongoing funding list. The motion passed with a vote of 7 - 0 - 9 .

Yeas-7

Rep. B. Cutler
Rep. B. Greene
Rep. E. Hutchings
Rep. K. Ivory
Sen. J. Iwamoto
Rep. B. King
Sen. D. Thatcher

Nays-0

Absent-9

Rep. C. Acton
Sen. C. Bramble
Sen. M. Dayton
Rep. J. Dunnigan
Sen. L. Fillmore
Sen. P. Knudson
Sen. R. Okerlund
Rep. A. Romero
Rep. L. Wilde

No official action could be taken due to lack of quorum.

MOTION: Sen. Iwamoto moved to move #10, Peace Officer's Standards, to #21 and #13, Fire Marshall to #22. The motion passed. The motion passed with a vote of 7 - 0 - 9 .

Yeas-7

Rep. B. Cutler
Rep. B. Greene
Rep. E. Hutchings
Rep. K. Ivory
Sen. J. Iwamoto
Rep. B. King
Sen. D. Thatcher

Nays-0

Absent-9

Rep. C. Acton
Sen. C. Bramble
Sen. M. Dayton
Rep. J. Dunnigan
Sen. L. Fillmore
Sen. P. Knudson
Sen. R. Okerlund
Rep. A. Romero
Rep. L. Wilde

No official action could be taken due to lack of quorum.

MOTION: Senate Chair Thatcher moved to change the one-time list as follows: under "Not Yet Prioritized," #7 Courts Juror, Witness, Interpreter Costs, moved to #9, #12, Aero Bureau Overtime to #10, Fire Academy to #11, and #15, Court Security, to #12 . The motion passed with a vote of 7 - 0 - 9 .

Yeas-7

Nays-0

Absent-9

Executive Offices and Criminal Justice Appropriations Subcommittee

February 13, 2018

Page 12

Rep. B. Cutler
Rep. B. Greene
Rep. E. Hutchings
Rep. K. Ivory
Sen. J. Iwamoto
Rep. B. King
Sen. D. Thatcher

Rep. C. Acton
Sen. C. Bramble
Sen. M. Dayton
Rep. J. Dunnigan
Sen. L. Fillmore
Sen. P. Knudson
Sen. R. Okerlund
Rep. A. Romero
Rep. L. Wilde

No official action could be taken due to lack of quorum.

MOTION: Rep. Ivory moved to take #22 and #23 on the one-time list and put them as #13 and #14, move #18 and #19 to the bottom of the one-time list, number the list as is, and pass the list out.

SUBSTITUTE MOTION: Substitute Motion, Senate Chair Thatcher moved to move #22, Sudden Cardiac Arrest, to #13, #23, Training for Child Advocacy, to #14, #21, Spark Point - Cottage of Hope, to #15, and #19, LeRay McAllister to #16. . The Substitute motion passed with a vote of 8 - 0 - 8 .

Yeas-8

Rep. B. Cutler
Rep. B. Greene
Rep. E. Hutchings
Rep. K. Ivory
Sen. J. Iwamoto
Rep. B. King
Sen. D. Thatcher
Rep. L. Wilde

Nays-0

Absent-8

Rep. C. Acton
Sen. C. Bramble
Sen. M. Dayton
Rep. J. Dunnigan
Sen. L. Fillmore
Sen. P. Knudson
Sen. R. Okerlund
Rep. A. Romero

No official action could be taken due to lack of quorum.

MOTION: Rep. Wilde moved to place Jail Contracting Costs/Treatment at #23 ongoing. The motion passed with a vote of 9 - 0 - 7 .

Yeas-9

Rep. B. Cutler
Rep. B. Greene
Rep. E. Hutchings
Rep. K. Ivory
Sen. J. Iwamoto
Rep. B. King

Nays-0

Absent-7

Rep. C. Acton
Sen. C. Bramble
Sen. M. Dayton
Rep. J. Dunnigan
Sen. L. Fillmore
Sen. P. Knudson

Executive Offices and Criminal Justice Appropriations Subcommittee

February 13, 2018

Page 13

Rep. A. Romero
Sen. D. Thatcher
Rep. L. Wilde

Sen. R. Okerlund

No official action could be taken due to lack of quorum.

MOTION: Rep. Greene moved to move #36, Sexual Assault Nurse Examiner, to #24. The motion passed with a vote of 9 - 0 - 7 .

Yeas-9

Rep. B. Cutler
Rep. B. Greene
Rep. E. Hutchings
Rep. K. Ivory
Sen. J. Iwamoto
Rep. B. King
Rep. A. Romero
Sen. D. Thatcher
Rep. L. Wilde

Nays-0

Absent-7

Rep. C. Acton
Sen. C. Bramble
Sen. M. Dayton
Rep. J. Dunnigan
Sen. L. Fillmore
Sen. P. Knudson
Sen. R. Okerlund

No official action could be taken due to lack of quorum.

Rep. King motioned to adjourn.

House Chair Hutchings adjourned the meeting at 6:33 p.m.