

**MINUTES OF THE
EXECUTIVE OFFICES & CRIMINAL JUSTICE
APPROPRIATIONS SUBCOMMITTEE
Room 25 House Building
February 14, 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 7:15 a.m.

MOTION: Rep. Ray moved to approve the minutes of the January 27, 2012 and January 31, 2012 meetings. The motion passed unanimously with Sen. McAdams, Sen. Stephenson, Rep. Briscoe, Rep. Greenwood, and Rep. Herrod absent for the vote.

Rep. Hutchings noted that the packet provided to the committee contains budgets, general fund neutral adjustments, intent language, fees, and an addendum page for fees.

Gary Syphus, Fiscal Analyst, stated that the budget detail table page for the Children's Justice Center had been left out of the packet.

MOTION: Sen. Valentine moved to add the "AG Children's Justice Centers" budget page to the "Budgets for Consideration" packet. The motion passed unanimously with Sen. Stephenson, Rep. Briscoe, and Rep. Greenwood absent for the vote.

Mr. Syphus discussed the Online Court Assistance Program amount of \$75,000 that had been left off the general fund neutral list.

MOTION: Sen. Valentine moved to add \$75,000 for the Online Court Assistance Program to page 26, "EOCJ Non-State Fund Adjustments/General Fund Neutral Adjustments". The motion passed unanimously with Sen. Stephenson, Rep. Briscoe, and Rep. Greenwood absent for the vote.

Rep. Hutchings explained the wording change needed on the intent language for the Division of Juvenile Justice Services.

MOTION: Sen. Valentine moved to change the Division of Juvenile Justice Services intent language in the section "Intent Language for Executive Offices and Criminal Justice Appropriation Subcommittee", page 27, by replacing the words, "Department of Human Services" with "Division of Juvenile Justice Services". The motion passed unanimously with Sen. Stephenson, Rep. Briscoe, and Rep. Greenwood absent for the vote.

Mr. Syphus noted the name change for the DNA Specimen Account on page 30 of the packet and discussed items in the budget tables.

Susan Burke, Director, Division of Juvenile Justice Services (JJS), explained the effect of the reduction of Medicaid Funds and how they have made budget reductions to compensate for the loss of funding. She noted the detail table showed an increase of 35 FTEs when they have actually lost 74 FTEs.

Zackery King, Fiscal Analyst, clarified that the number on the table indicates authorized FTE levels and does not take into account any vacancies.

Rick Platt, Administrative Services Director, JJS, clarified the FTE numbers should show 935.5 FTE under FY 2012 Revised and approximately 879 FTE for FY 2013 Recommended.

Ms. Burke discussed the Youth Receiving Centers in Cedar City and Blanding. She stated they have closed beds and are working at a tight operational capacity level. She said if the Weber facility were closed, Farmington Bay would be at capacity about half of the time and overflow population would go to the Salt Lake detention center. She also discussed other options to deal with capacity statewide. Closing the Weber facility addresses the capacity level, but closing Genesis or youth receiving centers would be done for budget reasons. She said they are trying to preserve community placements because the youth are best served in those treatment oriented facilities.

Mr. King clarified that the FTE numbers for JJS for FY 2013 Recommended are 948 FTE if budget cuts are not made and 879 FTE if budget cuts are made.

MOTION: Sen. Thatcher moved to approve the FY 2013 Budgets, shown on pages 1 - 24, and the AG Children's Justice Center handout, with the following exceptions, replace the CCJJ line item allocation shown on page 5 with the proposed allocation shown on the "Base Budget Changes" section on page 25. The motion passed unanimously with Sen. McAdams, Sen. Stephenson, and Rep. Greenwood absent for the vote.

Sandy Naegle, Financial Manager, Governor's Office of Planning and Budget, discussed the funding request for 3 percent, up to \$300,000 of recovery money for the Inspector General for Medicaid. She stated that federal funds pay for part of the costs for personnel hired and these funds would be used to expand the work they are doing. She explained how the federal funds are shown on the budget brief.

Mr. King said that this would not cost the state and with further information and understanding of the request, the Analyst would recommend the committee consider the request.

MOTION: Rep. Briscoe moved to add to page 26, "EOCJ Non-State Fund Adjustments/General Fund Neutral Adjustments" under the Governor's Office of Planning and Budget, Inspector General of Medicaid, 3 percent up to \$300,000 one-time funds from the money collected as a result of the activity of the Inspector General. The committee moved on to other business because they lacked a quorum.

Dave Walsh, Deputy Director, Commission on Criminal and Juvenile Justice, asked for clarification on various lists approved by the committee in previous meetings.

Sen. Valentine discussed his proposal to fund the purchase of a replacement helicopter for the Department of Public Safety.

Danny Fuhr, Colonel, Utah Highway Patrol, discussed the need for a new helicopter and said it would save them about \$100,000 per year in operation and maintenance costs.

Joe Brown, Administrative Services, Department of Public Safety, said there are large balances in the non-lapsing and restricted accounts discussed. He said there were other uses for those funds, but it was up to the committee to make the decision.

Ms. Naegle clarified that each department sets their own GRAMA fees.

Sen. Valentine explained his intent to raise the fee for the Department of Public Safety Helicopter from \$750 per hour to the market rate of \$1350 per hour.

Mr. Fuhr said that rate would cover their costs.

SUBSTITUTE MOTION: Sen. Valentine moved to approve the entire list on page 26, "EOCJ Non-State Fund Adjustments/General Fund Neutral Adjustments" with the addition made to the Governor's Office of Planning and Budget, Inspector General of Medicaid, as made in the primary motion by Rep. Briscoe, with the addition of \$3 million from the Driver License non-lapsing balance and \$800,000 from the Uninsured Motorist Restricted Account to the Aero Bureau for the purchase of a helicopter. The motion passed unanimously with Sen. Knudson, Pres. Waddoups, Rep. Herrod, and Rep. Seelig absent for the vote.

Mr. Brown stated that if the funding requests for additional troopers were approved, the department would need intent language authorizing them to purchase additional vehicles.

MOTION: Rep. Ray moved to add to the intent language on page 31, "Intent Language for Executive Offices and Criminal Justice Appropriation Subcommittee", under the Department of Public Safety, intent language that states that if the Legislature approves the appropriation for additional troopers, they are authorized to purchase additional vehicles for those troopers. The motion passed unanimously with Sen.

Knudson, Pres. Waddoups, Rep. Herrod, and Rep. Seelig absent for the vote.

MOTION: Sen. Thatcher moved to approve the intent language as identified on pages 27 - 31, "Intent Language for Executive Offices and Criminal Justice Appropriation Subcommittee" and "Addendum EOCJ Intent Language" as amended. The motion passed unanimously with Sen. Knudson, Pres. Waddoups, Rep. Herrod, and Rep. Seelig absent for the vote.

MOTION: Rep. Ray moved to reinstate fees as shown on the "Consolidated Fee Report", pages 34 - 36, lines 43, 44, 45, 46, 47, 48, and 54.

Tom Patterson, Executive Director, Department of Corrections, said they were in favor of the motion and asked to include lines 70 and 72 in the motion.

Mr. Syphus explained why the fees were shown as changed on the chart.

Rep. Ray restated his motion including lines 70, and 72. The motion passed unanimously with Sen. Knudson, Pres. Waddoups, and Rep. Seelig absent for the vote.

MOTION: Sen. Valentine moved to change the fee on the "Consolidated Fee Report", page 39, line 143, Department of Public Safety, Helicopter, from \$750 per hour to \$1350 per hour, and to approve the fees as amended in the section "Consolidated Fee Report: Joint Appropriations Subcommittee for Executive Offices and Criminal Justice". The motion passed unanimously with Sen. Knudson and Pres. Waddoups absent for the vote.

MOTION: Sen. Valentine moved to approve the "EOCJ Fees Addendum" page 43 of the "Consolidated Fee Report: Joint Appropriations Subcommittee for Executive Offices and Criminal Justice". The motion passed unanimously with Sen. Knudson and Pres. Waddoups absent for the vote.

MOTION: Rep. Greenwood moved to saunter. The motion passed unanimously with Sen. Knudson and Pres. Waddoups absent for the vote.

MOTION: Rep. Greenwood moved to cease to saunter. The motion passed unanimously with Sen. Knudson and Pres. Waddoups, Rep. Briscoe, and Rep. Herrod absent for the vote.

MOTION: Rep. Ray moved to change line 19, "Jail Contracting Growth" to line 2, and to change line 2, "Jail Contracting Rate Increase - \$2/day" to line 19 on the "Ongoing Requests, EOCJ Submitted Priorities" page. The motion passed unanimously with Sen. Knudson, Pres. Waddoups, and Rep. Herrod absent for the vote.

MOTION: Sen. Thatcher moved to change line 8, "Parole Violator Center" with a \$2,000,000 appropriation, to line 1 on the "Ongoing Requests, EOCJ Submitted Priorities" page.

Mr. Patterson said this funding would be used to hire staff for the operation of the Parole Violator Center.

The motion passed unanimously with Sen. Knudson, Pres. Waddoups, and Rep. Briscoe absent for the vote.

MOTION: Sen. Thatcher moved to change Juvenile Justice Services "Work Camp Custody/Probation" to below "Department of Public Safety "UHP Compression Compensation" on the "Ongoing Requests, EOCJ Submitted Priorities" page.

SUBSTITUTE MOTION: Sen. Valentine moved to change Juvenile Justice Services "Work Camp Custody/Probation" with a \$1.6 million appropriation to below Department of Public Safety "Additional Troopers (add. rural troopers)" on the "Ongoing Requests, EOCJ Submitted Priorities" page. The motion passed unanimously with Sen. Knudson, Pres. Waddoups, and Rep. Briscoe absent for the vote.

MOTION: Rep. Herrod moved to change items #3, UHP Trooper Overtime, #6, Jail Contracting Growth, and #18, UHP Additional Troopers, from the "One-time Requests, EOCJ Submitted Priorities" page to the "Ongoing Requests, EOCJ Submitted Priorities" page, stating his concern about ongoing programs being funded with one-time funds.

Mr. Patterson clarified that item #6 was a Request for Appropriation and did not come from the Department. Item #18 was for equipment should the additional troopers request be funded on the ongoing list and is a one-time request.

After further discussion, Rep. Herrod withdrew the motion.

Mr. Brown explained item #18, UHP Additional Troopers, on the one-time list. He said it takes about \$55,000 to equip a trooper and vehicle. The ongoing request for additional troopers is for 4 troopers. If that amount were to be raised to include additional troopers, the amount on item #18 would have to increase correspondingly.

Mr. Fuhr explained that the one-time overtime funding was used to provide extra troopers on holidays, high traffic days, and snowy days. He said extra manpower keeps the citizens on the road and the troopers safer. He said they would like funding to become ongoing, but realize with budget constraints, it would likely remain as one-time funding. He said it would be good to have discretion as to where additional troopers are assigned, but the need is usually in the more rural areas.

MOTION: Sen. Thatcher moved to remove the words "add. rural troopers" from item #4, Department of Public Safety "Additional Troopers (add. rural troopers)" on the "Ongoing Requests, EOCJ Submitted Priorities" page. The motion passed unanimously with Sen. Knudson and Pres. Waddoups absent for the vote.

MOTION: Sen. Thatcher moved to change the amount appropriated to item #4, Department of Public Safety "Additional Troopers" from \$400,000 to \$540,000 on the "Ongoing Requests, EOCJ Submitted Priorities" page. The motion passed unanimously with Sen. Knudson and Pres. Waddoups absent for the

vote.

MOTION: Sen. Thatcher moved to change the amount appropriated to item #18, Department of Public Safety "UHP Additional Troopers" to \$362,000 in the agency column on the "Ongoing Requests, EOCJ Submitted Priorities" page. The motion passed unanimously with Sen. Knudson and Pres. Waddoups absent for the vote.

MOTION: Sen. Thatcher moved to change item #18, Department of Public Safety "UHP Additional Troopers" with the appropriated amount of \$362,000 to the line above item #14, Department of Public Safety "Firearm/Toolmarks Examiner - Northern Lab" on the "Ongoing Requests, EOCJ Submitted Priorities" page.

SUBSTITUTE MOTION: Sen. Thatcher moved to delete item #22, Department of Corrections , "Jail Contracting Rate Increase" on the "Ongoing Requests, EOCJ Submitted Priorities" page.

SUBSTITUTE MOTION: Sen. Valentine moved to delete item #22, Department of Corrections "Jail Contracting Rate Increase", move item #37, Request for Appropriation "Jail Contracting - Treatment Beds" to below item #20, Department of Public Safety "Regional Computer Forensic Lab Investigators", on the "Ongoing Requests, EOCJ Submitted Priorities" page, and to approve the list. After further discussion, he amended the motion to not include approving the list. The motion passed unanimously with Sen. Knudson and Pres. Waddoups absent for the vote.

MOTION: Rep. Ray moved to change item #34, Request for Appropriation "Law Library Self-Help Center - SB 100" to below item #15, Attorney General "Secure Strike Force" on the "Ongoing Requests, EOCJ Submitted Priorities" page. The motion passed unanimously with Sen. Knudson and Pres. Waddoups absent for the vote.

MOTION: Rep. Ray moved to add an additional line, Courts, "Law Clerks" with the appropriation of \$154,800. The motion passed unanimously with Sen. Knudson, Sen. Valentine, and Pres. Waddoups absent for the vote.

MOTION: Sen. Thatcher moved to adjourn. The motion passed unanimously with Sen. Knudson, Sen. Valentine, and Pres. Waddoups absent for the vote.

