

**MINUTES OF THE
EXECUTIVE OFFICES & CRIMINAL JUSTICE
APPROPRIATIONS SUBCOMMITTEE
Room 25 House Building
February 10, 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
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

Members Excused: Sen. Howard A. Stephenson
Sen. John L. Valentine

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 8:15 a.m. and outlined the objectives of the meeting. He pointed out that the ongoing and one-time lists that were distributed were not prioritized. He referred to the "EOCJ Building Blocks: Agency v. Gov. Requests" page the committee received at the previous meeting. He invited committee members to ask questions and agency representatives to make any clarifying explanations as needed.

Wade Faraway, Office of the Attorney General, said the \$800,000 request would be for filling attorney positions. He said they have been funding the SECURE Strike Force and Criminal Non-Support Program with one-time funds and they are requesting ongoing funding. Criminal Non-Support receives federal matching funds. The program has 4 FTE who handle about 80 to 100 criminal cases each year, but the threat of prosecution encourages others to pay, saving money to the state. He said that without additional funding, the program may not be able to continue.

Rep. Hutchings clarified that the State Asset Forfeiture Grant Program request for the Commission on Criminal and Juvenile Justice, is a restricted fund transfer and is not on the one-time and ongoing lists.

Rick Smith, Director, Guardian ad Litem, explained the requests for an additional attorney and staff for the Uintah Basin, and for the salary parity increase. The request also includes purchasing a vehicle for the Uintah Basin attorney.

Dan Becker, Court Administrator, said the request for the Online Court Assistance Program is a request to raise the spending cap. The program is fee supported. The requests for the Juror/Witness/Interpreter Program include a one-time request of \$1,742,900 to repay the costs for the past 3 fiscal years, and an

ongoing request for estimated costs in FY 2013. He said their highest priority is the law library self-help center. This program helps people navigate the court system, understand procedures and process, and saves time for Court clerks and judges. He discussed the benefit of using technology for remote interpreter services. In response to committee questions, he stated that the Board of Examiners covers the costs of the Juror/Witness/Interpreter Program until they are reimbursed.

Mike Haddon, Executive Coordinator, Department of Corrections, explained their Building Block request for the Parole Violator Center. Mr. Haddon clarified that the request for \$9 million one-time funds would be used for FY 2013 and FY 2014, along with \$2 million ongoing, to cover the \$6.5 million per year operational costs. They are also requesting intent language to use non-lapsing funds to finish the building.

Tom Patterson, Executive Director, Department of Corrections, clarified how the \$9 million request would be divided over 2 fiscal years.

Gary Syphus, Fiscal Analyst, said the funds were requested for both years as a one-time request because they are from department non-lapsing funds.

Rep. Herrod expressed concern that ongoing programs are funded with one-time funding.

Mr. Patterson discussed the problem of using the one-time non-lapsing funds from department savings to fund the Parole Violator Center. They would like assurance that the program is permanent. He said they would continue to look for ways to save money, but to continue long term like they have might be risky. He discussed the request for Jail Contracting Growth, saying they have relied on county jail contracting to handle inmate population growth. He said they project that they will be able to handle population growth through jail contracting until 2015, but it will take 2 to 3 years if they are going to build a new facility. They are not requesting any funding for additional facilities this fiscal year.

Rep. David Litvack discussed the Request For Appropriation, Services for Victims of Sexual Violence, for \$100,000 ongoing funding. He said providing support helps victims cooperate with law enforcement. The funding requested would help expand support beyond the Wasatch front, but would not cover the entire state. He felt further information would indicate the impact of the program.

Mr. Patterson said the request for a jail contracting rate increase was not from the department or in the Governor's budget. He said that a rate increase does help the ability of counties to participate in Jail Contracting.

Mr. Haddon explained how the daily rate for jail contracting is calculated.

Mr. Patterson reiterated the need for 144 additional beds per year. He asked that the number of additional beds not be reduced if the committee decides to fund a higher daily rate for Jail Contracting.

Sen. Thatcher said he felt that the agency request for jail growth was the first priority for the committee. The amount of \$6,196,200 listed as "Jail Contracting Rate Increase" is the amount needed to fund the jail contracting rate at 70 percent, and is not a request from the Department of Corrections.

MOTION: Rep. Ray moved to change item #2, Department of Corrections, Jail Contracting Rate Increase - \$2/day, to line 20, and to change item #20, Department of Corrections, Jail Contracting Growth, to line 2.

SUBSTITUTE MOTION: Sen. Thatcher moved to start prioritization at the following meeting, after committee members had more time to prepare. The motion passed unanimously with Sen. Knudson and Rep. Wilson absent for the vote.

Mr. Patterson said the request for Inmate Medical Services for \$500,000 would cover the botulism incident, but they would probably also have to use non-lapsing funds to cover all their costs.

Rep. Michael Noel presented his Request for Appropriation. He is sponsoring legislation that will provide additional funding for jail contracting beds that provide treatment. He felt it was a good return on investment because treatment programs have been shown to reduce the recidivism rate. The request was for \$180,000 ongoing funding. The legislation also includes \$2/day jail contracting rate increase.

MOTION: Sen. Thatcher moved to add \$180,000 ongoing funding to the Department of Corrections, for Jail Programming Beds to the ongoing list for prioritization. The motion passed unanimously with Sen. Knudson and Rep. Wilson absent for the vote.

Rep. Craig Frank discussed his Request for Appropriation for a Department of Public Safety replacement helicopter. He asked the amount to be changed from \$3.5 million to \$3.8 million.

Sen. McAdams discussed the Request for Appropriation for a Mortgage and Financial Fraud - Invest./Pros. in the Attorney General's Office.

MOTION: Sen. McAdams moved to change the amount of the Request for Appropriation, Mortgage and Financial Fraud - Invest./Pros. on the one-time prioritization list from \$1 million to \$2 million.

Mr. Faraway said the funding would cover 3 to 4 years for attorneys in that area if the funding were non-lapsing.

Sen. McAdams felt one-time funding would be appropriate considering the financial circumstances of the present time.

Rep. Herrod reiterated his feelings about funding ongoing programs with one-time funds. He felt that the financial situation was not necessarily going to improve and that it would be best to make the difficult decisions up front.

Rep. Hutchings pointed out that federal funds have decreased for every agency and that it is not wise to expect there will more money later on.

Sen. McAdams said he felt that the economy has changed in part because of mortgage and financial fraud and that this funding would deal with an extreme circumstance.

The motion passed unanimously with Sen. Knudson and Rep. Wilson absent for the vote.

Rep. Ray discussed the State Crime Lab - HB 254 funding request for \$203,200 on the ongoing list. He said the amount requested is the amount of the fiscal note on the bill and would provide for 2 FTE positions in the State Crime Lab to deal with the spice problem.

Lance Davenport, Commissioner, and Joe Brown, Administrative Services, Department of Public Safety, clarified the two requests concerning the State Crime Lab. Item #26, Spice Chemist - Central Lab, on the ongoing list would be a duplicate request if HB 254 passes. If the bill doesn't pass, the requested funding would be used to handle an increased workload. Mr. Brown said that the funding request for HB 254 would be sufficient.

Rep. Briscoe discussed his Request for Appropriation, Preserve Farmland and Open Space - LeRay McAllister Fund, for \$2 million one-time funds.

Sandy Naegle, Financial Manager, Governor's Office, said the Agency requests were for \$750,000 ongoing funds and \$1 million one-time funds.

Mr. Syphus clarified the 4 requests for the LeRay McAllister Fund as listed on the one-time and ongoing lists.

MOTION: Rep. Briscoe moved to change the amount listed on item #28, Request for Appropriation, Preserve Farmland and Open Space - LeRay McAllister Fund, from \$2 million to \$1 million. The motion passed unanimously with Sen. Knudson, Pres. Waddoups, Rep. Herrod, and Rep. Wilson absent for the vote. However, the committee lacked a quorum in the Senate, so the motion was out of order.

Mr. Davenport wanted to be sure that two funding requests were listed on the restricted fund request list.

Rep. Hutchings said that any requests for restricted accounts would be on a separate list and not on the one-time or ongoing lists they had been discussing.

MOTION: Rep. Ray moved to adjourn. The motion passed unanimously with Sen. Knudson, Pres. Waddoups, Rep. Herrod, and Rep. Wilson absent for the vote.

Rep. Hutchings adjourned the meeting at 9:58 a.m.