

**MINUTES OF THE  
EXECUTIVE OFFICES & CRIMINAL JUSTICE  
JOINT APPROPRIATIONS SUBCOMMITTEE  
ROOM W015, WEST OFFICE BUILDING, STATE CAPITOL COMPLEX  
January 23, 2006**

**Members Present:** Sen. David L. Thomas, Co-Chair  
Rep. David L. Hogue, Co-Chair  
Sen. Brent Goodfellow  
Sen. Darin Peterson  
Rep. Douglas C. Aagard  
Rep. Eric K. Hutchings  
Rep. Brad King  
Rep. Curtis Oda  
Rep. Mark W. Walker  
Rep. Larry B. Wiley

**Staff Present:** Derek Byrne, Fiscal Analyst  
Gary Ricks, Fiscal Analyst  
Carrie Griffith, Committee Secretary

**Visitors List:** List filed with committee minutes

**Note:** A list of visitors and a copy of handouts are filed with the committee minutes.

Rep. Hogue called the meeting to order at 2:15 p.m.

**MOTION:** Rep. Aagard moved to approve the minutes of January 19, 2006. The motion passed unanimously, with Rep. Hutchings and Rep. Walker absent for the vote.

**Department of Corrections**

Derek Byrne, Fiscal Analyst, gave a brief overview of the main issues facing the Department, which are (1) Prison Population Growth; and (2) Correctional Officer Compensation.

Mr. Byrne clarified items on a handout titled "LFA Recommended Changes to EOCJ Base Budgets," and suggested to the committee that they may want to make motions on these items in transferring funds.

Mr. Byrne mentioned he would like an explanation from the Department concerning the \$2.1 nonlapsing balance at the end of FY 2005 and what their plans are for the coming year.

A handout titled, "Issue Brief—Department of Corrections Building Block," was discussed by Mr. Byrne. He mentioned one change in the table at the bottom of the first page under "Ongoing Funding Requests." It *should* read that the starting salary of a State correctional

officer's salary be *\$12.14* rather than \$12.41.

Other ongoing requests discussed by Mr. Byrne include Central Utah Correctional Facility, Women's Resource Center, Sex Offender Registration and Enforcement, and Jail Reimbursement Growth. A One-time funding request for the Drug Offender Reform Act (DORA) was also discussed. Mr. Byrne responded to questions by the committee members.

Scott Carver, Executive Director, clarified that under the "Sex Offender Registration and Enforcement," the Department is asking for 9 FTEs rather than 11 FTEs, as mentioned on the Issue Brief.

Mr. Carver, assisted by Dr. Christine Mitchell, introduced several Directors from divisions and bureaus within the Department.

A handout titled "Department of Corrections FY'07 Budget Presentation, November 2005" was discussed by Mr. Carver. He explained the Correctional Officer Salary Increase request by the Department and expressed a desire that the committee would send a letter of support to Executive Appropriations in support of the Correctional Officer Salary Increase request.

Referring to the previous handout, Dr. Mitchell briefly explained the Department's other requests, which include: Incarcerated Population Growth, CUCF 288-Bed Part-Year Funding, CUCF 192-Bed Capital Request, Corrections' 10-year Housing Plan and the need for a third prison site.

A handout titled, "UDC, Issues Facing Corrections" was distributed. Mr. Carver showed charts indicating growth in offender populations, causes of growth, and population projections

A short DVD presentation was shown to help committee members understand the complexity and issues dealt with in Corrections. It was done in an effort to give a perspective of the Department, recognize the hard work the staff does, and that the compensation the Department is requesting is justified. Mr. Carver noted there were some interviews by some of their offenders, which they felt were appropriate for the presentation.

Mr. Carver briefly explained another handout titled, "Women's Summit." He then referred back to the Budget Presentation handout and explained requests for the following items: Offender Treatment and Programming, Privatized Halfway Back For Women, Sex Offender Treatment, Substance Abuse Treatment, DORA Pilot Project Ongoing Funding, Sex Offender Registration/Enforcement, Natural Gas Costs, Passthrough/Other Agency Requests, and FY'07 Building Block Summary. Mr. Carver and Dr. Mitchell responded to questions and concerns raised by committee regarding many of the above issues.

The last page on the Budget Presentation handout regarded Proposed Legislation. Mr. Carver reiterated that the issues of vehicles has been problematic for the Department because the State Motor Pool will not allow them to purchase anything if it's not in the minutes of a legislative meeting, with specific approval for vehicles. The Department's request this year is the three vehicles for UCI, in the event business is procured; three vehicles for adult probation and parole agents in sex offender registry and enforcement; and two vehicles for the Central Utah Correctional Facility operation. Mr. Carver responded to questions by committee members.

### **Jail Reimbursement**

Darin Underwood, Audit Manager, Office of Legislative Auditor General, accompanied by Kade Minchey, Audit Supervisor, explained audits the Department has performed the last several months. Two handouts, both titled "A Performance Audit of Utah's Jail Reimbursement Program" were explained. The handout included slides that showed billings of several Utah counties, the Department's findings of underbilling and overbilling, questions, and recommendations. Mr. Underwood and Mr. Minchey responded to questions and concerns raised by committee members.

Sen. Goodfellow asked if there are counties making money on prisoners in ways, such as telephone surcharges, and then using that money for other county expenses. Bud Cox, Davis County Sheriff, President Utah Sheriff's Association, explained how vendors, wanting to get a contract, offer a percentage back to the county. Those funds go into the commissary fund.

Brent Gardner, Utah Association of Counties, stated that in Salt Lake County, it works the same way—with those funds going into the commissary fund. He was asked by Sen. Goodfellow to follow up and get information on commissary funds in other counties throughout the State.

### **Other Business**

Sen. Thomas gave an update on Senate Bill 50, indicating it was on the second reading calendar in the Senate and would be coming up in the next couple of days.

### **Vote**

Gary redistributed a handout titled, "Department of Public Safety Critical Needs." It would be used in making Motions to put on the Executive Offices of Criminal Justice Priority List:

**MOTION:** Sen. Thomas moved to put on the Priority List an Ongoing Request for FY 2007 Department of Public Safety Overtime at \$1.3 million and a One-Time request for FY 2006 at \$1.3 million. The motion passed unanimously, with Rep. Hutchings and Rep. Walker absent for the vote.

**MOTION:** Sen. Thomas moved to put on the Priority List an Ongoing Request for FY 2007 in the amount of \$168,100 for Lease Increases and a One-time Supplemental Request of \$66,200 for Lease Increases for the Department of Public Safety. The motion passed unanimously, with Rep. Hutchings and Rep. Walker absent for the vote.

**MOTION:** Sen. Thomas moved to put on the Priority List a One-Time Supplemental Request for FY 2006 in the amount of \$381,100 to fund the Larry H. Miller POST Building; and also a One-Time Supplemental Request for FY 2007 in the amount of \$1,115,800 to fund furniture and fixtures needed to occupy and operate the building donated by Larry H. Miller. The motion passed unanimously, with Rep. Walker absent for the vote.

**MOTION:** Sen. Thomas moved to put on the Priority List an Ongoing Request for FY 2007 in the amount of \$300,000 for the crime lab. The motion passed unanimously.

Clarín Brinchley, Overseer Bureau of Criminal Identification, responded to questions by committee members concerning concealed weapon permits and fees.

**MOTION:** Rep. Oda moved to put on the Priority List an Ongoing Request for FY 2007 to retain all the monies that are concealed weapon permit money right now, and keep within this committee,. At this point, a request to fund the BCI customer service in the amount of \$136,800, as well as any additional funds that are split down the middle on the amount of the concealed weapons permit. Half would go to UHP laptops, the other half would stay in BCI. The \$136,800 would be part of that amount. Whatever is left over from that amount, the committee will deal with the BCI department. The motion passed unanimously.

**MOTION:** Sen. Thomas moved to put on the Priority List an Ongoing Request for FY 2007 for Fire Marshal Special Duty Contracts, \$11,500 Fire Academy Restricted Fund; Fire Marshal Part-time Deputy, \$19,000 Fire Academy Restricted Fund ½ FTE; Fire Marshal Secretary, \$25,400 Fire Academy Restricted Fund, ½ FTE. The motion passed unanimously.

**MOTION:** Rep. King moved to keep a One-Time Request for Aero Bureau Maintenance for FY 2007 and the One-Time Supplemental Request Aero Bureau Helicopter Repair and Fuel for FY 2006 as priority items, but not put an amount on them at this time. The motion passed unanimously.

MOTION: Rep. Oda moved to place on the Priority List an Ongoing Request for FY 2007 for MIS State Radio Interoperability General Fund in the amount of \$650,000. The motion passed, with Rep. Aagard voting in opposition.

Sen. Thomas declared a conflict of interest on the above motion. He is the Vice Chair of Utah Communications Agency Network.

MOTION: Rep. Oda moved to adjourn.

Rep. Hogue adjourned the meeting at 4:55 p.m

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Sen. David. L. Thomas, Co-Chair

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Rep. David L. Hogue, Co-Chair