

**MINUTES OF THE
EXECUTIVE OFFICES & CRIMINAL JUSTICE
JOINT APPROPRIATIONS SUBCOMMITTEE
ROOM W015, WEST OFFICE BUILDING, STATE CAPITOL COMPLEX
January 30, 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: Gary Ricks, Fiscal Analyst
Derek Byrne, Fiscal Analyst
Carrie Griffith, Committee Secretary

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

Sen. Thomas called the meeting to order at 2:12 p.m.

MOTION: Rep. Hogue moved to approve the minutes of the January 23, 2006. The motion passed unanimously, with Rep. Hutchings and Rep. King absent for the vote.

Michael Cragun, Director Elections Office, Governor's Office, clarified maintenance, warranty, and service agreement fees on voting machines. Mr. Cragun responded to questions raised by committee members.

Priority List

The following are building blocks to be prioritized, in no particular order of importance.

MOTION: Rep. Oda moved to place on the Priority List a One-Time Supplemental Request in the amount of \$2.9 million in HAVA funding for vote machines for the Governor's Office. The motion passed unanimously, with Rep. Hutchings and Rep. King absent for the vote.

MOTION: Rep. Aagard moved to place on the Priority List an Ongoing Request in the amount of \$327,700 for District Law Clerks. The motion passed unanimously, with Rep. Hutchings and Rep. King absent for the vote.

- MOTION: Sen. Peterson moved to place on the Priority List a One-Time Supplemental Request in the amount of \$850,000 for the Lt. Governor's Office Western State Primary. The motion passed unanimously, with Rep. Hutchings and Rep. King absent for the vote.
- MOTION: Rep. Hogue moved to place on the Priority List an Ongoing Request in the amount of \$257,500 for 3rd District Juvenile Court Judge and Staff. The motion passed unanimously, with Rep. Hutchings and Rep. King absent for the vote.
- MOTION: Sen. Goodfellow moved to place on the Priority List an Ongoing Request in the amount of \$202,300 for 3rd District Court Commissioner and Staff. The motion passed unanimously, with Rep. Hutchings and Rep. King absent for the vote.
- MOTION: Rep. Wilkey moved to place on the Priority List an Ongoing Request in the amount of \$81,300 for the State Law Library. The motion passed unanimously, with Rep. Hutchings and Rep. King absent for the vote.
- MOTION: Sen. Peterson moved to place on the Priority List an Ongoing Request in the amount of \$882,500 for Facility Contracts and Leases for Courts. The motion passed unanimously, with Rep. Hutchings and Rep. King absent for the vote.
- MOTION: Rep. Hogue moved to place on the Priority List a One-Time Supplemental Request for Data Processing Equipment Replacement, DORA Pilot Project, and Furnishings/Equipment for Tooele Courthouse, and fund them with monies coming out of the Justice Court Technology Security and Training account. There is \$350,000 that can be taken from that account and not hurt that restricted account. The motion passed unanimously, with Rep. Hutchings and Rep. King absent for the vote.
- MOTION: Rep. Aagard moved to place on the Priority List an Ongoing Request in the amount of \$221,000 for Drug Court Expansion, contingent upon Health and Human Services being appropriated the other amounts needed (as referred to below by Mr. Byrne). The motion passed unanimously, with Rep. King absent for the vote.

Derek Byrne, Fiscal Analyst, commented that the previous motion is part of a request before the Health and Human Services Committee. They've requested \$1.7 million in drug court funding. The \$221,000 is a 13 percent statutory portion of that amount.

MOTION: Sen. Peterson moved to place on the Priority List an Ongoing Request in the amount of \$257,500 for 4th District Court Judge and Support Staff. The motion passed unanimously.

H.B. 146 Public Safety Retirement for Dispatchers (*Rep. D. Bowman*)

Rep. Bowman, assisted by Rep. Ray, and Carol Groustra, Director Department of Public Safety Communications Bureau, explained HB146 to the committee, and requested the bill be put on the priority list for the Department of Public Safety. Rep. Ray reiterated the importance of the dispatchers 20-year retirement plan being equal with that of law enforcement, and it is their Number One Priority. Ms. Groustra spoke about the beneficial impact this bill would make on dispatchers in training and keeping experienced people within their Department. Comments were made by committee members in support of the bill.

H.B. 10 Domestic Violence and Dating Violence Amendments (*Rep. D. Litvack*)

Rep. Litvack explained HB10 to the committee, and encouraged committee members to support the bill.

Sen. Thomas and Rep. Hogue clarified questions raised by committee members concerning procedures on putting items on the priority list.

State Auditor

Gary Ricks, Fiscal Analyst, referred to a handout titled "Budget Brief--Utah State Auditor." Mr. Ricks briefly explained the Analyst's base budget recommendations.

Auston Johnson, State Auditor, accompanied by Dean Eborn, Budget Director, explained the Department's building block requests. A handout titled "State Auditor's Office Expenditures As A Percent of General Fund Expenditures" was distributed and explained in detail by Mr. Johnson. Mr. Johnson responded to questions raised by committee members.

Attorney General

Gary Ricks, Fiscal Analyst, briefly explained a handout titled "Budget Brief--Office of the Attorney General." He noted issues and recommendations of the Analyst, which include Outside Counsel Costs for Workers Compensation Fund (WCF) Declaratory Judgment Suit (one-time supplemental); David C. et al. versus Michael Leavitt et al. Plaintiff's Attorney Fees; Highland High School Settlement; and Spyware Control Act Litigation.

Mark Shurtleff, Attorney General, accompanied by David Stallard, Law Office Administrator and Budget Director, introduced several members of their Department. Several handouts were distributed and referred to during the presentation. Mr. Shurtleff briefly explained the duties of the Office.

Mr. Shurtleff expressed his concerns to the committee about the Attorney General's Budget. He referred to a copy of a letter he wrote to the Senators and Representatives on January 25, 2006, explaining those concerns. He also referred to handouts titled "Legislative Briefing," and "Attorney General FTE Changes."

Gary Ricks, Fiscal Analyst, responded to Mr. Shurtleff, indicating the Analyst's position on the above matter.

Sen. Thomas asked committee members to keep the information on the FTE handout confidential.

Mr. Shurtleff responded to questions and concerns raised by committee members about FTE's, relating to dedicated credits and positions funded but not filled within the Attorney General's Office. Rep. Hogue asked for more information concerning the FTE count.

Referring to a handout titled "Apples to Apples," Mr. Shurtleff explained the comparison of attorney salaries between the Legislative Research and General Counsel vs. the Attorney General's Office. Two other handouts titled "Compensation Crisis at the Attorney General's Office," and "Utah Average Government Attorney Salaries, November 1st 2005" were discussed by Mr. Shurtleff.

A handout titled "Attorney General Budget Priorities, 2006 Legislature" was explained by Mr. Shurtleff. The handout shows FY 2007 building block priorities for the Department.

Mr. Shurtleff stated that, although he doesn't know the reasons the Governor decided to include the Highland High Settlement Agreement/Board of Examiners through their Department, it is something he feels strongly about and should be paid to the victims. He stated his support of the settlement.

Mr. Shurtleff responded to questions by committee members concerning the above issues and also the State Law Library.

Ray Hintze, Deputy Attorney General, responded to questions by committee members concerning mediation, overtime issues, and settlement issues.

Referring to **H.B. 170 "Prosecution and Prevention of Child Pornography Offenses Amendments"** (*Rep. R. Bigelow*), Mr. Shurtleff indicated the bill was on his personal priority list and indicated the need to add a prosecutor and investigator to help adequately represent the public on these issues.

Other Business

Michael Cragun, Deputy Lt. Governor, accompanied by Sandy Naegle, Budget and Accounting Officer, distributed and explained handouts titled "Governor's Office Line Item Restructuring," and "S.B. 1."

A discussion ensued concerning line item restructuring and recommended changes. Committee members expressed their concern about how this issue was being presented.

MOTION: Rep. Hutchings moved to readjust line items as amended. The motion failed, with Sen. Goodfellow, Sen. Peterson, Rep. Aagard, and Rep. Hogue voting in opposition. Rep. King, Rep. Oda, and Rep. Walker were absent for the vote.

Rep. Hogue expressed his willingness to change his vote, on the condition the numbers are accurate. Rep. Aagard concurred with Rep. Hogue. The Chairs asked the Lt. Governor's Department to come with accurate numbers at the next meeting, indicating the committee would be willing to reconsider this motion.

Fees

Gary Ricks, Fiscal Analyst, explained a handout titled "Issue Brief--Governor's Office--Notary Commissioning Fees, indicating no change in the FY2006 and FY2007 fees.

Michael Cragun, Deputy Lt. Governor, accompanied by Spencer Hadley, Executive Assistant Lt. Governor's Office, distributed a handout titled "Current fee structure in appropriations bills--Requested fee structure in appropriations bills." They explained the handout to the committee. Mr. Cragun responded to questions and concerns of the committee. Sen. Thomas indicated this item will be considered at the next meeting.

Public Safety Department Fees

Gary Ricks, Fiscal Analyst, briefly explained a handout titled, "Department of Public Safety--Fees," making note of one new fee, which is "Replacement of Lost Inspector Certification Card." He also noted that on Page 2, near the top of the page, the blank line under "Fingerprints and Photos" should read "Firearm's Instructor Renewal."

Rick Wyss, Chief Administrative Officer, accompanied by Ron Morris, State Fire Marshal, explained the above handout. Mr. Morris, explained the fire marshal fees, telling the committee those fees highlighted on the handout have not been increased for 15 years. Utah Highway fees were also explained by Mr. Wyss.

Mr. Wyss responded to questions and concerns raised by committee members concerning FTEs, safety inspections, and fees. Rep. Hogue expressed a desire to know all the information requested during presentations rather than finding out facts only through asking questions and "through the back door." These issues will be discussed and prioritized at the next meeting.

MOTION: Rep. Wiley moved to adjourn. The motion passed unanimously, with Rep. King, Rep. Oda, and Rep. Walker absent for the vote.

Sen. Thomas adjourned the meeting at 4:50 p.m.

Sen. David. L. Thomas, Co-Chair

Rep. David L. Hogue, Co-Chair