

MINUTES
JOINT FINANCE-APPROPRIATIONS COMMITTEE

DATE: Friday, February 19, 2016
TIME: 8:00 A.M.
PLACE: Room C310
MEMBERS: Senators Co-chairman Keough, Bair, Mortimer, Brackett, Nuxoll, Johnson, Thayn, Guthrie, Schmidt, Lacey
Representatives Co-chairman Bell, Gibbs, Miller, Youngblood, Horman, Malek, Monks, Burtenshaw, King, Gannon
ABSENT/EXCUSED: None
CONVENED: Chairman Keough convened the meeting at 8:00 A.M.
STAFF PRESENT: Headlee, Hoskins, Tatro, Houston

FY 2016 SUPPLEMENTALS

SUPPLEMENTAL: **DEPARTMENT OF CORRECTION**
Management Services
Balla Attorney Fees

PRESENTER: **Jared Hoskins, Senior Analyst, Budget & Policy Analysis, Legislative Services**

On August 11, 2015, in the Walter D. Balla, et al. v. Idaho State Board of Correction court case, the US District Court for the District of Idaho found that the department acted with "improper purpose" when it prevented the court's special master from appreciating the true extent to which "dry cells" were used at the Idaho State Correctional Institution (ISCI) and the true extent to which it failed to keep adequate records related to mental health care. In so finding, the court sanctioned the department by: (a) extending the case's compliance monitoring period until September 1, 2017; (b) requiring the department to affirmatively move to terminate the compliance plan and meet the burden of proving that no ongoing constitutional violations exist; and (c) requiring the department to pay the attorney fees incurred by the plaintiffs in pursuing their motion for sanctions. Thus, the department requests this supplemental appropriation of \$332,400 in one-time operating expenditures from the General Fund to pay the attorney fees associated with the plaintiffs' recent Motion for Sanctions, as ordered by the court.

UNANIMOUS CONSENT: On request by Youngblood, granted by unanimous consent, the FY 2016 budget for the Department of Correction was reopened.

CARRIED:

Original Motion

Moved by Youngblood, seconded by Mortimer, to approve for introduction \$250,000 General Funds, \$0 Dedicated Funds, \$0 Federal Funds for a total of \$250,000 with FTP of 0.00

Ayes: 18

Keough, Johnson, Bair, Mortimer, Nuxoll, Guthrie, Schmidt, Lacey, Bell, Gibbs, Miller, Youngblood, Horman, Malek, Monks, Burtenshaw, King, Gannon

Nays: 0

Ab/Ex: 2

Brackett, Thayn

The majority having voted in the affirmative, the motion has passed and without objection will carry a DO PASS recommendation. There being no objection, it was so ordered by Chairman Keough.

Community Corrections

Community Supervision

Additional Personnel Costs/Operating Expenditures

This is a request for a total ongoing amount of \$343,200 for various operating expenditures and personnel costs related, in part, to the increased demand placed on the Community Supervision Program by the Justice Reinvestment Initiative (JRI). Of the total amount requested in operating expenditures, \$69,000 from the General Fund is for additional office space due to recent increases in FTP; \$49,600 from the Parolee Supervision Fund is for collection costs related to the cost of supervision; \$20,000 from the Parolee Supervision Fund is for additional uniforms; and \$15,000 from the Parolee Supervision Fund is for inmate incentives required by the JRI Response Matrix. In personnel costs, \$189,600 from the Parolee Supervision Fund is requested to provide sufficient appropriation to meet current personnel obligations in that particular fund.

CARRIED:

Original Motion

Moved by Nuxoll, seconded by Youngblood, to approve for introduction \$0 General Funds, \$343,200 Dedicated Funds, \$0 Federal Funds for a total of \$343,200 with FTP of 0.00

Ayes: 19

Keough, Johnson, Bair, Mortimer, Brackett, Nuxoll, Guthrie, Schmidt, Lacey, Bell, Gibbs, Miller, Youngblood, Horman, Malek, Monks, Burtenshaw, King, Gannon

Nays: 0

Ab/Ex: 1

Thayn

The majority having voted in the affirmative, the motion has passed and without objection will carry a DO PASS recommendation. There being no objection, it was so ordered by Chairman Keough.

State Prisons

Prisons Administration

Offender Intervention Training/ JRI Training Savings

Fund Transfer

The department requests an ongoing transfer of \$205,000 in operating expenditures from the General Fund between Community Supervision and Prisons Administration in order to provide training related to recent changes in the department's offender programming. The Council of State Governments (CSG) recently conducted a Justice Program Assessment (JPA), which concluded that much of the department's programming is outdated and not evidence-based. To address the JPA findings, the department is phasing-in program changes, beginning with substance abuse and sex offender programs. The department currently has an ongoing appropriation of \$500,000 to provide training related to the Justice Reinvestment Initiative (JRI). However, the department indicates that it only needs \$295,000 for JRI-related training. Thus, the department desires to use this \$205,000 in savings from JRI-related training to provide training on substance abuse and sex offender program curricula.

CARRIED:

Original Motion

Moved by Nuxoll, seconded by Youngblood, to approve for introduction \$205,000 General Funds, \$0 Dedicated Funds, \$0 Federal Funds for a total of \$205,000 with FTP of 0.00
reduce OE Community Supervision increase OE Prisons Administration

Ayes: 20

Keough, Johnson, Bair, Mortimer, Brackett, Nuxoll, Thayn, Guthrie, Schmidt, Lacey, Bell, Gibbs, Miller, Youngblood, Horman, Malek, Monks, Burtenshaw, King, Gannon

Nays: 0

Ab/Ex: 0

The majority having voted in the affirmative, the motion has passed and without objection will carry a DO PASS recommendation. There being no objection, it was so ordered by Chairman Keough.

State Prisons

Prisons Administration

Offender Intervention Training/JRI Training Savings

Though it was not presented in the agency request or the governor's recommendation, the department recently learned that it could use what was left of JRI-related federal grant funds for offender intervention training. The federal grant is pass-through grant from the Bureau of Justice Assistance made available as a sub award through the Council on State Governments. It is a dollar-for-dollar reimbursement grant, which will allow the department to increase its training budget by 53% (from 500,000 to 763,000) without the need for additional state funds. The grant is the last of the federal funds made available for JRI, and is only available through the end of this fiscal year, which is why the request is presented as a supplemental.

CARRIED:

Original Motion

Moved by Nuxoll, seconded by Youngblood, to approve for introduction \$0 General Funds, \$0 Dedicated Funds, \$263,700 Federal Funds for a total of \$263,700 with FTP of 0.00

Ayes: 20

Keough, Johnson, Bair, Mortimer, Brackett, Nuxoll, Thayn, Guthrie, Schmidt, Lacey, Bell, Gibbs, Miller, Youngblood, Horman, Malek, Monks, Burtenshaw, King, Gannon

Nays: 0

Ab/Ex: 0

The majority having voted in the affirmative, the motion has passed and without objection will carry a DO PASS recommendation. There being no objection, it was so ordered by Chairman Keough.

County & Out-of-State Placement

Correctional Alternative Placement

Medical Services

Bed Utilization

The following three adjustments amount to a total decrease of \$2,157,100 in operating expenditures from the General Fund in FY 2016 in order to align the department's budgets for County & Out-of-State Placement (\$860,800), Correctional Alternative Placement (\$408,000), and Medical Services (\$888,300) with updated offender forecasts and bed utilization counts.

CARRIED:

Original Motion

Moved by Youngblood, seconded by Nuxoll, to approve for introduction \$(2,157,100) General Funds, \$0 Dedicated Funds, \$0 Federal Funds for a total of \$(2,157,100) with FTP of 0.00

Ayes: 20

Keough, Johnson, Bair, Mortimer, Brackett, Nuxoll, Thayn, Guthrie, Schmidt, Lacey, Bell, Gibbs, Miller, Youngblood, Horman, Malek, Monks, Burtenshaw, King, Gannon

Nays: 0

Ab/Ex: 0

The majority having voted in the affirmative, the motion has passed and without objection will carry a DO PASS recommendation. There being no objection, it was so ordered by Chairman Keough.

State Prisons

Community Corrections: ISCI

Close Unit 24 — Reallocate Staff

This is a multifaceted request to reorganize the department by reallocating 11.00 FTP from Unit 24 at Idaho State Correctional Institution (ISCI), along with \$667,800 in personnel costs from the General Fund, among programs. Unit 24 was a Correctional Industries warehouse converted to temporary inmate housing. The department was originally provided with \$557,400 in FY 2010, offset by a reduction in the County and Out-of-State Placement program, to establish Unit 24 and add 200 beds at ISCI. Due to ongoing safety concerns, the department chose to close Unit 24 in May of 2015. Of the 11.00 FTP and \$667,800 that have been requested to be removed from ISCI's budget in separate decision units, these adjustments would reduce ISCI's FTP count by 11.00 and its associated General Fund appropriation by \$667,800.

CARRIED:

Original Motion

Moved by Nuxoll, seconded by Youngblood, to approve for introduction \$(667,800) General Funds, \$0 Dedicated Funds, \$0 Federal Funds for a total of \$(667,800) with FTP of (11.00)
Idaho State Correctional Institution

Ayes: 20

Keough, Johnson, Bair, Mortimer, Brackett, Nuxoll, Thayn, Guthrie, Schmidt, Lacey, Bell, Gibbs, Miller, Youngblood, Horman, Malek, Monks, Burtenshaw, King, Gannon

Nays: 0

Ab/Ex: 0

The majority having voted in the affirmative, the motion has passed and without objection will carry a DO PASS recommendation. There being no objection, it was so ordered by Chairman Keough.

State Prisons

Community Corrections: ISCC

Change Food Service Delivery

Reclassifiy 7.00 FTP from correctional officers to food service personnel and transfer them to the Idaho State Correctional Center (ISCC), along with \$419,400 in General Fund personnel costs.

CARRIED:

Original Motion

Moved by Nuxoll, seconded by Youngblood, to approve for introduction \$419,400 General Funds, \$0 Dedicated Funds, \$0 Federal Funds for a total of \$419,400 with FTP of 7.00
ISCC

Ayes: 20

Keough, Johnson, Bair, Mortimer, Brackett, Nuxoll, Thayn, Guthrie, Schmidt, Lacey, Bell, Gibbs, Miller, Youngblood, Horman, Malek, Monks, Burtenshaw, King, Gannon

Nays: 0

Ab/Ex: 0

The majority having voted in the affirmative, the motion has passed and without objection will carry a DO PASS recommendation. There being no objection, it was so ordered by Chairman Keough.

Community Corrections:

Community Supervision

Add Probation & Parole Staff

Reclassifiy 4.00 FTP from correctional officers to probation and parole officers and transfer them to Community Supervision, along with \$248,400 in General Fund appropriation.

CARRIED:

Original Motion

Moved by Nuxoll, seconded by Youngblood, to approve for introduction \$248,400 General Funds, \$0 Dedicated Funds, \$0 Federal Funds for a total of \$248,400 with FTP of 4.00
Community Supervision

Ayes: 20

Keough, Johnson, Bair, Mortimer, Brackett, Nuxoll, Thayn, Guthrie, Schmidt, Lacey, Bell, Gibbs, Miller, Youngblood, Horman, Malek, Monks, Burtenshaw, King, Gannon

Nays: 0

Ab/Ex: 0

The majority having voted in the affirmative, the motion has passed and without objection will carry a DO PASS recommendation. There being no objection, it was so ordered by Chairman Keough.

SUPPLEMENTAL: SELF-GOVERNING AGENCIES

Division of Veterans Services

Restore Patient-Invested Funds

Fund Transfer

To account for the losses in interest from the State Treasurer IDLE pool, the division is requesting a \$1,500 appropriation and cash transfer from the Veterans Home Endowment Income Fund to the continuously appropriated Resident Trust Funds. Resident Trust Funds are held by the division with the purpose of safeguarding, managing, and accounting for the personal funds of its residents. While these resident funds received positive interest in prior years, many of the current residents were not in a veterans home during those years and therefore the division believes the residents' funds should not be subject to the losses. To reduce the risk of this happening again in the future, the State Treasurer has introduced legislation this session to allow for an alternative in investing. The cash balance in the Federal Grant Fund at the start of FY 2016 was \$5,939,800.

**UNANIMOUS
CONSENT:**

On request of Youngblood, granted by unanimous consent, the FY 2016 budget for the Division of Veterans Services was reopened.

CARRIED:

Original Motion

Moved by Youngblood, seconded by Thayn, to approve for introduction \$0 General Funds, \$0 Dedicated Funds, \$1,500 Federal Funds for a total transfer of \$1,500 to the continuously appropriated Resident Trust Funds.

Ayes: 20

Keough, Johnson, Bair, Mortimer, Brackett, Nuxoll, Thayn, Guthrie, Schmidt, Lacey, Bell, Gibbs, Miller, Youngblood, Horman, Malek, Monks, Burtenshaw, King, Gannon

Nays: 0

Ab/Ex: 0

The majority having voted in the affirmative, the motion has passed and without objection will carry a DO PASS recommendation. There being no objection, it was so ordered by Chairman Keough.

**DEFICIENCY
WARRANT:**

IDAHO DEPARTMENT OF LANDS
Forest and Range Fire Protection
Fire Deficiency Warrants
Fund Transfer

This request will catch up the appropriation to account for the cost of the 2015 fire season. There would still be an estimated \$2 to \$3 million outstanding obligation. However, these estimates change over time as reimbursements are settled.

**UNANIMOUS
CONSENT:**

On request by Youngblood, granted by unanimous consent, the FY 2016 budget for the Department of Lands was reopened.

CARRIED:

Original Motion

Moved by Gibbs, seconded by Johnson, to approve for introduction \$60,000,000 General Funds, \$0 Dedicated Funds, \$0 Federal Funds for a total of \$60,000,000 with FTP of 0.00 to be transferred to the Fire Suppression Deficiency Fund.

Ayes: 20

Keough, Johnson, Bair, Mortimer, Brackett, Nuxoll, Thayn, Guthrie, Schmidt, Lacey, Bell, Gibbs, Miller, Youngblood, Horman, Malek, Monks, Burtenshaw, King, Gannon

Nays: 0

Ab/Ex: 0

The majority having voted in the affirmative, the motion has passed and without objection will carry a DO PASS recommendation. There being no objection, it was so ordered by Chairman Keough.

ADJOURNED:

There being no further business, Chairman Keough adjourned the meeting.

Senator Keough
Chair

Peggy Moyer
Secretary