

MINUTES OF THE MEETING OF THE APPROPRIATIONS SUB-COMMITTEE ON ELECTED OFFICIALS AND HIGHWAYS

January 8, 1983

The Appropriations Sub-committee on Elected Officials and Highways met at 8:00 a.m. on January 8, 1983 in Room 437 with Chairman Quilici presiding.

Members present:

Chairman Quilici	Senator Dover
Rep. Lory	Senator Keating
Rep. Connelly	Senator Stimatz
	Senator Van Valkenburg

Also attending this work session were: Cliff Roessner, LFA, Leo O'Brien, LFA, JanDee May, OBPP, and Bob Kuchenbrod of the Department of Justice.

A quorum being present the meeting commenced.

Chairman Quilici announced to the committee that State Auditor, Sonny Omholt had requested that the committee meet at his office in Room 207 in the Mitchell Building at 9:00 A. M. on January 20th. The Chairman noted that this has been a long-standing courtesy that the committee has extended to Mr. Omholt in the past and if there were no objections, we would hold the hearing on the Auditor's budget in his office.

WORK SESSION

Consumer Council (Tape 3, Side A, 16)

Chairman Quilici reviewed the funding process of the council for the committee. (This process appears in the minutes of January 7, 1983 under Jim Paine's testimony.) After some discussion the committee felt that it would be a good idea to hear the Public Service Commission's budget as it relates to the Consumer Council. The Chairman told the committee that we could perhaps take one of the other budgets out of this sub-committee and request that this sub-committee hear the Public Service Commission's budget. After some discussion a MOTION was made by Senator Van Valkenburg that we approve the \$100,000 supplemental for the Consumer Council. Senator Dover seconded the motion. The motion passed with Rep. Quilici and Rep. Lory abstaining; Senator Keating requested that the record show that he voted "no".

Dept. of Justice (166)

County Attorneys & Transportation of Prisoners

Rep. Lory made a MOTION that we approve the total amount of the supplemental for the Department of Justice which is \$68,000.

Minutes of the Meeting of the Appropriations Sub-committee on
Elected Officials and Highways, Page 2, January 8, 1983

Senator Dover seconded the motion. Discussion. Motion carried.
Senator Stimatz requested that the record show that he voted "no".

Dept. of Revenue

Vehicle Fee Reimbursement

A MOTION was made by Senator Dover and seconded by Rep. Lory that we approve the total amount of \$350,000 requested by the Department of Revenue as a supplemental for the Vehicle Fee Reimbursement. Discussion. Motion carried. Senator Keating asked that the record show that he voted "no".

The Chairman told the committee that we would be receiving a supplemental for \$149,000 concerning an Indian Legal Jurisdiction dispute. Terry Cohea explained to the committee that the majority of this supplemental was for costs associated with the Crow Coal Case. The Crow Tribe is challenging Montana's right to collect the severance tax and the gross proceeds tax on the Westmoreland Mine. It is not on the reservation but is on a ceded strip that used to be on the reservation. The Tribe is claiming title to that. The case was first filed in 1978 and has been moving along but in October the U.S. Supreme Court remanded it to the Billings Federal District Court and the cost now is suddenly accelerated because the Tribe is pushing to have the trial before June so the cost would be in this fiscal year. On December 30th they were successful in getting a trial in Billings on the question of whether the funds should be paid into escrow and on Thursday Judge Battin ruled in favor. So now \$10 million a year will be placed in escrow until the case is decided unless the state appeals (and the state is considering appealing).

That is the issue at stake and the Indian Legal Jurisdiction Project needs funds in order to hire attorneys to work on the case. There are a few other costs associated in continuing the effort in the Indian water adjudication case and final costs on the new car sales tax case.

The Chairman told the committee he would like them to have an overview on this supplemental so they could do some research before the supplemental was actually heard.

The Chairman announced that, due to conflicts in some committee members' schedules, we will meet at 9:00 a.m. on Monday.

The meeting was adjourned at 8:30 a.m. (301)


Joe Quilici, Chairman