

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

January 15, 1983

(Tapes 15 and 16, Side A)

The Appropriations Sub-committee on Elected Officials and Highways met at 7:00 a.m. on January 15, 1983 with Joe Quilici presiding. The following members were present:

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

The following were present for all or portions of the meeting: Cliff Roessner, LFA, Leo O'Brien, LFA, JanDee May, OBPP, Teresa Cohea, OBPP, Mona Jamison, Attorney for Governor's Office, and representing the Department of Justice: Bob Kuchenbrod, Susan Hansen, Patrick Driscoll.

WORK SESSION (Tape 15, Side A)

Dept. of Justice

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After a short discussion Senator Dover made a MOTION that we accept the 11 FTE's in this budget. It was noted that the agency requested that no vacancy savings be allowed. Discussion of vacancy savings at 3.5% level. The committee expressed concern about the method of pro-rating vacancy savings in the Governor's budget. Motion seconded by Senator Keating. Motion carried.

Senator Dover made a MOTION that we accept the LFA's budget figure for "Supplies" plus \$407 in FY84 and \$455 in FY85. Senator Van Valkenburg seconded the motion. Discussion. Motion carried.

Senator Dover made a MOTION that we accept the LFA's budget proposal for "Travel". Discussion.

Senator Keating made a SUBSTITUTE MOTION that we approve \$1,500 for each fiscal year in the "Travel" category for this budget. Senator Dover seconded the motion. The Substitute Motion carried.

Senator Dover made a MOTION that the committee accept the LFA's budget figure for "Repair and Maintenance" plus \$922 in FY84 and \$977 in FY85. (190) Discussion. Motion seconded by Senator Keating. Motion carried.

Senator Dover made a MOTION that the committee accept the Governor's budget for this agency as amended by the committee. Senator Van Valkenburg seconded the motion. Discussion. Motion carried.

Law Enforcement Academy

Senator Dover made a MOTION that the committee accept the 11 FTE's in this budget. Rep. Lory seconded the motion. Discussion. Motion carried.

The committee discussed the proposal for the Death Investigation School portion of this budget. No action was taken on this proposal at this time.

The committee discussed the "Rent" category for this budget. It was noted that the rent amount seemed excessively high. It was noted that this is a 10 year lease which will terminate in 1988. The committee discussed the conflicting recommendations from two other agencies. The Auditor's study recommended that the buildings be purchased while the Architect and Engineering study did not agree. There are 8 buildings involved in this lease. The academy houses approximately 62 students.

(Tape 15, Side B)

After some discussion Mr. Driscoll told the committee that the rent figure also included other items, such as linen, furniture, maintenance and utility costs. The Chairman requested Mr. Driscoll to furnish the committee with the Auditor's report regarding the Academy's lease agreement.

Senator Van Valkenburg made a MOTION that we adopt the LFA's figure for "Operating Expenses" with the exception of "Travel". Senator Dover seconded the motion. The motion carried.

After some discussion Senator Van Valkenburg made a MOTION that we accept the LFA's level of funding for "Travel" plus an additional amount of \$4,689 in FY84 and \$4,907 in FY85 which would restore this category to the current level.

<u>FY84</u>	<u>FY85</u>
\$ 18,790	\$ 19,137
4,689	4,970
<u>\$ 23,479</u>	<u>\$ 24,107</u>

The motion was seconded by Senator Keating. Motion carried.

Senator Dover made a MOTION that we accept the LFA's budget figures as amended for the Law Enforcement Academy. Senator Van Valkenburg seconded the motion. Motion carried.

Senator Van Valkenburg made a MOTION that we disapprove the Budget Modification Request for the Death Investigation School for the reason that the services are already provided in the Forensic Science program. Rep. Lory seconded the motion. Motion carried.

Fire Marshall

Senator Dover made a MOTION that we accept the level of 8 FTE's for the Fire Marshall's program. Rep. Lory seconded the motion. Motion carried.

Under "Operating Expenses" the committee discussed the request for an inspector of restaurant facilities and their proper installation and use of hoods over the grills.

It was noted by Senator Van Valkenburg that although the Fire Marshall is funded by general fund money, there is approximately \$700,000 deposited in the general fund from a tax on fire insurance policies for this specific purpose. He told the committee that this tax is there to be sure this service is provided.

After some discussion, Senator Dover made a MOTION that the committee accept the Executive's budget figure for "Contracted Services". Motion seconded by Senator Van Valkenburg. Motion carried.

JanDee May, OBPP, explained to the committee that this agency had about \$5,000 or \$6,000 of a federal grant that remained in FY81. The agency could have turned back the federal funds and gone on to spend general fund monies. Instead they were able to offset the general fund monies by this amount. In doing so, they decreased their general fund base and the agency has asked that this amount be put back in so they could operate at current level.

Cliff Roessner, LFA, told the committee that the measuring device expense of \$625 was included twice and should be backed out of FY85.

Senator Dover made a MOTION that the committee approve the Executive Budget for "Supplies and Materials" for 1984 and the Executive Budget for 1985 less \$625. Discussion. Motion seconded by Rep. Lory. Motion carried.

Senator Van Valkenburg made a MOTION that we accept the Executive Budget request for "Travel". Motion was seconded by Senator Dover. Discussion. Cliff Roessner, LFA, told the committee his figures did not include any money for out-of-state travel. Discussion. Motion carried.

Senator Dover made a MOTION that the committee accept the Executive Budget figures for "Operating Costs" as amended by the committee. Motion seconded by Senator Van Valkenburg. Motion carried.

Senator Dover made a MOTION that we accept the Fire Marshall's budget as amended. Senator Van Valkenburg seconded the motion. Motion carried.

Indian Jurisdiction Supplemental (540)

Mona Jamison, attorney for the Governor's office, gave the committee a brief resume' of the supplemental request for the Crow Indian case. She explained to the committee that the State is defending the severance tax and gross proceeds tax on a ceded strip on the Reservation. This involves approximately \$10 million per year in revenue to the state and approximately \$1.5 million for Big Horn County. These funds are now in escrow. The taxes will be paid directly to the Court. The Tribe has also asked for a refund of the \$58 million that has already been paid. The Tribe maintains that they have the mineral rights to the ceded strip.

After some discussion Rep. Lory made a MOTION that the committee approve the supplemental for \$149,000 for the Indian Jurisdiction cases. Senator Dover seconded the motion. Motion carried.

The committee noted that there would be a bill to move this activity from the Governor's office to the Office of the Attorney General.

The committee discussed the possible sources of funding for defending the state's rights in the Indian Jurisdiction cases.

(Tape 16, Side A)

The committee discussed the change-over from the Governor's staff to the Attorney General's staff regarding these cases. The committee recognized that Helena Maclay and Diedre Boggs, the attorneys who have been working on these cases, have developed a good deal of expertise in handling these matters and noted that they would be very valuable in these and future cases involving similar disputes.

Senator Van Valkenburg suggested that the committee consider the possibility of dividing the appropriation between the general fund and some other money that may be available. He suggested that the Attorney General's budget included some money under the Coal Tax Defense money that was appropriated during the last biennium. Mr. Driscoll told the committee that he didn't have the exact figure but that it was close to \$28,000. He explained that this amount is not in the budget now, it was not requested again, but it would revert at the end of this year. When asked if there was any other need for this money in the Attorney General's budget, Mr. Driscoll said he was not aware of any.

Senator Van Valkenburg made a MOTION that the \$149,000 that the committee has already approved be divided between the general fund and the money that is unexpended in the Attorney General's budget for the defense of the Coal Severance Tax. The motion

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was seconded by Senator Dover. Discussion. The Chairman asked Mr. Driscoll if he had any objection to that. Mr. Driscoll said it was an appropriate expenditure. Motion carried.

Senator Van Valkenburg said it was his understanding that some money was appropriated to the Governor's office with respect to the coal tax for lobbying purposes in Congress. It appears that all the money appropriated may not be needed. It may be appropriate to look at some of that money for this purpose.

Terry Cohea, OBPP, told the committee that House Bill 828 passed last session contains specific language that this money cannot be used for legal related costs.

The Chairman asked that Cliff Roessner, LFA, and JanDee May, OBPP, research this.

The meeting adjourned at 8:50 a.m. (135)


Joe Quilici, Chairman
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