

MINUTES OF THE MEETING
HOUSE APPROPRIATIONS COMMITTEE
50TH LEGISLATIVE SESSION

The meeting of the House Appropriations Committee was called to order by Chairman Rep. Gene Donaldson on April 23, 1987 at 7:00 p.m. in Room 104 of the State Capitol.

ROLL CALL: All members were present at the meeting except Rep. Thoft, Connelly, Devlin, Poulsen, Quilici, Rehberg, and Spaeth who were absent.

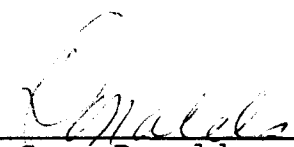
Rep. Bardanouve reviewed the letter that had been prepared to Chief Justice Jean Turnage and others regarding the General Assistance Lawsuit with the committee. He said he had met with Justice Turnage and he outlined the problems. It could take up to a year before a decision is handed down. If the court could be pressured or offered some other options to the problem of getting the transcript complete, the process could be moved ahead as early as August 1987.

Mr. Dave Lewis, Director of SRS remarked he had also talked with Justice Turnage and 3 months of court time could be cut out with some assistance to the court reporter. It was decided that SRS would hire a reporter to help the court until the regular court reporter could complete the transcript.

Rep. Menahan moved the letter be sent to the Chief Justice and others. Rep. Swift called the question. The motion CARRIED unanimously.

ADJOURNMENT:

There being no further business before the committee, the meeting was adjourned.



Rep. Gene Donaldson, Chairman

ROLL CALL

HOUSE APPROPRIATIONS

COMMITTEE

DATE 4/23/87

BILL NO. _____

NUMBER _____

NAME	Present	Absent
Rep. Gene Donaldson, Chairman	✓	
Rep. Bob Thoft, Vice Chairman		✓
Rep. Cal Winslow, Vice Chairman	✓	
Rep. Francis Bardanouve	✓	
Rep. Dorothy Bradley	✓	
Rep. Mary Ellen Connelly		✓
Rep. Gerry Devlin		✓
Rep. Dennis Iverson	✓	
Rep. Rex Manuel	✓	
Rep. Red Menahan	✓	
Rep. Larry Menke	✓	
Rep. Ron Miller	✓	
Rep. Dennis Nathe	✓	
Rep. Ray Peck	✓	
Rep. Harold Poulsen		✓
Rep. Joe Quilici		✓
Rep. Dennis Rehberg		✓
Rep. Gary Spaeth		✓
Rep. Bernie Swift	✓	
Rep. Dean Switzer	✓	

TALLY

Secretary

Chairman

MOTION: _____



The Big Sky Country

MONTANA HOUSE OF REPRESENTATIVES

REPRESENTATIVE GENE DONALDSON

3890 HELBERG DRIVE
HELENA, MONTANA 59601

COMMITTEES:
APPROPRIATIONS, CHAIRMAN

April 23, 1987

Honorable Jean A. Turnage
Chief Justice
Montana Supreme Court
Justice Building
Helena, MT 59620

RE: Expediting appeals

Dear Justice Turnage:

The Montana Legislature has become aware of several instances in which appeals to the Montana Supreme Court have been delayed due to the inability of the appealing parties to receive a transcript of the lower court proceedings within a reasonable length of time. Most recently this problem has arisen in the case of Butte Community Union v. Dave Lewis. The appeal in this matter was filed on January 16, 1987. It is our understanding that court rules require the transcript to be prepared within 40 days. Despite this limitation the state was forced to ask for a 50 day continuance. Now it appears that the state has been required to ask for another continuance of 90 days in order to allow the court reporter until July 14, 1987 to prepare the transcript.

It is important for the citizens of Montana as well as the Montana Legislature to have legal disputes quickly resolved.

As members of the Legislative Committee whose principal task is the responsible appropriation of scarce state fiscal resources, we are concerned that continued delays regarding this issue may have a severe impact on the state's budget. Assuming we would be successful in appealing this matter, we estimate the additional general fund cost for the state to be approximately \$170,000 per month. Additionally, we have genuine concern for the recipients of general assistance benefits. If this matter could be expeditiously resolved during the summer months, individuals who might lose their benefits as a result of the court's decision would have time to adjust their own plans prior to the onset of winter.

Honorable Jean A. Turnage
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It is not the intent of this letter to influence the Court's decision in this important case, but rather to ask the Court's assistance in expediting the preparation of transcripts and the resolution of appeals particularly the one in this case. We sincerely appreciate any effort on your behalf in expediting this process.

Sincerely,

Rep. Gene Donaldson
Chairman

cc: Honorable Thomas C. Honzel
Catherine R. Johnson
Russell E. Cater
Russell A. LaVigne, Jr.
Robert L. Deschamps III
James H. Goetz
Peggy Verburg