

MINUTES OF THE MEETING
STATE ADMINISTRATION COMMITTEE
MONTANA STATE SENATE

March 10, 1979

The fortieth meeting of the State Administration Committee was called to order by Chairman Pete Story in the Old State Highway Auditorium at 10:00 a.m. on the above date.

ROLL CALL: All present, with Sen. Roskie arriving late due to another meeting.

CONSIDERATION OF HOUSE JOINT RESOLUTION No. 3: The Chairman called on Rep. Bob Marks, House District 80, Clancy, sponsor of the Resolution, to present his testimony.

Rep. Marks: I have some material here in packets for the Committee and the secretary. HJR 3 is a Resolution to Congress asking them to do one of two things. (1), to submit to the voters of the several states a constitutional amendment for ratification by three-fourths of the states, which, except for emergency situations, calls for a balanced federal budget. The second request is that, in lieu of the first, a constitutional convention be called to draft the same type of an amendment to the United States Constitution. That is a very brief description of what the Resolution calls for. There are some concerns amongst people as to whether or not the call for a constitutional convention can be limited to a specific item. I think that the Resolution has adequate safeguards in it to preclude expansion of that constitutional convention, and I think that the extensive research done on this subject gives us the assurance that the call cannot be expanded to other areas. The fact of the matter is, each of the states, and together three-fourths of the states, must agree on what comes out of either the amendment proposed by Congress or the amendment proposed by a constitutional convention. So, I think there are adequate safeguards to what may or may not go on there.

I might add that in regard to the ratification of any constitutional amendment, each state has one vote, so that Montana, a small populated state, has just as much clout in adopting that amendment as does a large state. I have asked the secretary to circulate some packets that will allude to some of the remarks that I wanted to make in my testimony. I'll basically skim through the written testimony because I know you people are busy.

When our founding fathers put together our Federal Constitution, they did a pretty good job because it hasn't been amended very many times, but there is one area that they didn't touch on and apparently there wasn't any need for it at the time they drafted the Constitution. Now, that problem appears about 200 years later, and is the problem of fiscal restraint, and some sort of budgetary restraint and responsibility for the outstanding 10% of our money for interest on our debt. The Resolution before you today encourages Congress to take the bull by the horns and do something about it. I don't think we should be in the pickle that we are in today. There have been resolutions by individual states before to Congress expressing their

concern; not asking for a constitutional convention or a constitutional amendment but they have asked for spending restraints. This is not only for spending restraints, but simple responsibility. The Congress, in their wisdom, has disregarded some of these requests. I think what we are facing here today is a situation where this is a resort to which we have come because Congress has not seen fit to discipline themselves in this regard. Since 1974 Fiscal Year, the deficit of the federal budget is estimated by the Office of Budget and Management to be \$266 billion in those two years. Our annual deficit is around \$50 million, and this is about 12 1/2% debt increase per year. That debt for one year alone would run our state at the present level for about 500 years, so you can put that into some perspective. What that means to us here out in the sticks, even though we've seen lately some direction toward austerity and sanity in our budgeting process, it's interesting to note that President Carter's proposed budget to Congress earlier this year calls for a planned deficit of \$29 million per year. And, I expect that, probably even at best, it will not come close to being that low. It hasn't been in the past. This deficit situation continuously has really damaged our stability here in the United States and it has caused great skepticism in our foreign trade. The soundness of our dollar has been affected as we know what's happened to it in the last six months in the drop of our foreign currency. Our balance of payments in '78 have set a record \$28 1/2 billion, and I think that can be largely attributed to our weakened dollar. I think that there is no reason to believe that the Congress will take care of the problem without some action or without some constitutional provision. Like I say, we have asked them many times to do this and it has not happened. Twenty-eight other states, I think at the present time have asked Congress to do the things this resolution calls for. It will take a total of 34 states to effect similar resolutions before Congress will have to act in one fashion or the other. In that written testimony I have given you, I think it indicates those states.

I'd like to point out some of the effects that inflation has on our different types of individuals that we have in our citizenry, using three of the cases on those sheets if you're following along. In the case of a retired person, I really feel that person is the one that is most put-upon by inflation. If you people talked to your constituents during the campaign, I'm sure you heard this. Let's take, for example, if a person retired in January, 1973, on a \$300 private pension and Social Security benefits for a total of \$470. Since that time, 1973, there have been some Social Security benefits increased; so let's put that up to \$545 a month. The purchasing power of the \$545 throughout 1973's value of dollars has dropped to \$354; so, they have lost 25% of their purchasing power in five short years. Let's talk about the investors using the same time in January, 1973, putting some money in U.S. Savings Bonds. If you bought a Savings Bond for \$75, the interest up 'til now is \$25.20. The cash value now is \$100, but the purchasing power in 1973 has already dropped \$65; so, that person lost 9.9% of purchasing power.

Now, let's talk about the working guy. The guy that makes his way working for wages, the blue collar worker. He probably wears a union button. In 1973, this fellow was, after taxes, earning \$127 a week, in July, 1978, probably through wage increases, was making \$184 a week. In buying power since 1973, he, too, lost out. He's back to \$124 a week, so he's lost 2% of his purchasing power. This is guy who's working every day and getting increases per his union organization's contract which is subject to periodic inflationary raises. Now, this is what is known as everybody being stuck with inflation, and I don't frankly know how we can continue. I'd like to call on Rep. Ramirez who will, among other things, address one of the questions about the definitive scope of the problem.

Rep. Jack Ramirez, House District 64, Billings, in support of the Resolution, testified he just wanted to speak very briefly about one of the questions that seemed to disturb people the most about the possibility of the call of the constitutional convention; that is, whether the call of the convention can be limited to one subject or not. First of all, let me say that there is a difference of opinion on that subject, but I would say that the overwhelming number of legal scholars believe that the constitutional convention can be limited to one subject, and I base that primarily on four principles. (1) The Federalist papers, looking at what the Founders talked about when they first decided that there would be two methods of calling a constitutional convention and amending that constitution in that fashion. And, since they are more or less equal methods of amending the Constitution and since Congress can limit the subject to one particular item to be addressed, then the constitutional scholars feel that, clearly, the call for a constitutional convention by the legislature can likewise limit the subject to just one. (2) In states where there are similar constitutional provisions, there has been similar results where a call for a constitutional convention was held to be limited to one subject without any problem. (3) It's just a matter of common sense in interpretation of the Constitution. Now, there is no reason to add that method for amendment to the Constitution as opposed to a complete revision, if you can't limit it to the subjects that you want to amend. The final thing that I think is probably a good indication is the fact that there have been numerous occasions in which legislators have asked for constitutional conventions, and if we were to add all those requests up, there's more than 300 of them. If we interpret it, then, as any time you call for a constitutional convention in the State Legislature, it is not for all kinds of purposes, because we've had enough requests to call a convention already, and so, obviously, those calls are limited to specific subjects. I might mention that if enough states do this, I doubt very much if there will be a constitutional convention. I think what will be, most likely, is that Congress will respond and propose the amendment itself, and this is what has happened in the past on two or three occasions. This is a method to get Congress to do what we want it to do. I might mention, as for the popularity of this particular joint resolution in this State, as you know, the Republican Party, the Legislators in any event, have recently completed a statewide survey, with random samples, an 800-person sample, and it's a very accurate survey. In that survey this was a question that was asked. 72.6% of the people in this state, if that survey is an accurate reflection of the mood and needs of the

people, want this resolution. They want a constitutional convention for the purpose of balancing the federal budget. Only 14.1% are opposed to it and this cuts across party lines; Democrats, Independents and Republicans alike, feel that this ought to be done.

Larry Williams, Kalispell, representing the National Taxpayers' Union, testified he had a sheet to be handed out to each of the members of the Committee. I think what we're talking about is a very strong example of a nonpartisan issue, and I'd like to quote from a congressional study that was done; not by the Republicans, but by the Democrats - by a Democratic research organization - and their congressional study concluded that deficits cause inflation and inflation causes unemployment. Therefore, they concluded that deficits also cause unemployment. We have heard testimony this morning how large the debt is in this country, but I think we need to make that a little more concrete.

Right now, the Federal debt in this country is equal to approximately 40% of our gross national product, and it's not getting any better. Each year, we go into more debt, more debt and more debt. We have reached a very unfortunate period where we are now stealing from the future, instead of building for the future, and what the National Taxpayers' Union supports is the resolution to call for a constitutional convention. There are many reasons why we need to have a balanced budget. They have been touched on - the unemployment problem, the inflation problem - but the one that perhaps is the most significant is just what the interest on our debt costs us, and I would like to display to you this morning how important that is.

In 1915, not the debt, but the interest on the debt, was approximately \$2 billion. That was about \$12 for every person in the country. By the time 1945 rolled around, we were still in that area. 1955, you're now looking from 1915 to 1955, the interest on the debt costs about \$6 billion a year. By 1965, the interest on the debt was \$10 billion; at that point, it was costing about \$163 per person just for the interest on the debt. From 1965 to '75, just the interest on our debt went to about \$25 billion. You can now see from 1915 to 1975 - \$25 billion. Now, let's take it from 1975 to where it is expected to be in 1980. At approximately \$75 billion in debt. There are two reasons for this occurring. One, of course, is that our debt gets larger, but the debt that we incurred in 1975 that we were then paying 5-6% interest on, has now doubled and we're now paying in the area of 9-10% interest, so that's why we see the extreme increase from 1975 to where we are now - the 1980 estimates almost tripled what we are paying for interest on the debt; and unfortunately, we can reach a point where the interest on our debt is greater than the total generated new dollars in the economy, and that is estimated to happen in about 1983, where the interest on the debt will be \$100 billion and the new generated dollars will be about \$100 billion unless we do something, which is, obviously, balance the budget.

I think I can speak well for deficits as someone who ran for office and lost. I know a lot about deficit spending. The real question is, do we need to go to the extent of calling a constitutional convention? I think it's all unanimous - yes, we do need to have a balanced budget, but do we have to go all the way of calling for a

constitutional convention? I think the answer is definitely yes, when you consider last year 155 Congressmen and 27 Senators asked for this resolution in Congress and they couldn't even get a hearing. So, it's being blocked by the spendthrift politicians. At that point, it's right and it's correct for the states to come in and force Congress to do what Congress must do. I think the National Taxpayers' Union and many other groups would rather it be done without a constitutional convention and would certainly support it, but the simple fact is that this is the only way we have left to stop the tremendous trend that you have seen. As Mr. Ramirez pointed out, most likely Congress will take action themselves. There have been four changes in our Constitution that were instigated by a call for a convention and then Congress acted, so we didn't get to the part of getting a convention because Congress did take action. But, we do need to get 34 states to make certain that Congress does take the appropriate action. Some people say, well, if they do decide to take action, can we really write a resolution that will balance the budget. I think all we have to do is point to our own state, Montana, or any of the other states that have a similar constitutional provision that requires that the state have a balanced budget. If the states can do it, obviously the Federal government can do it. Some people might say that if we do this, we're going to cut back the number of federal funds that come into the state, especially one like Montana, where we receive more dollars of federal funds than we put into federal funds; however, I think we need to look and examine that argument.

It's really that type of thinking which is spend more now on money banked on in the future that has led us to the problem of the weak dollar and the economic problems we are seeing right now. But perhaps, most importantly, if we don't have the \$80 billion in interest, that we don't have the deficit of \$40 to \$60 billion this year, if we have to tax people for that, it means more money for the states, and those federal funds, for every \$60 that the Federal government gives us, they have to collect \$100, and the rest of it is lost in the shuffle of paperwork. So, we would be better to keep the dollar in Montana and let the state get those dollars instead of transferring them throughout the country. I think the final question is, are there safeguards to the Resolution?

In talking of support of the balanced budget resolution throughout the state, many have the opinion that the constitutional convention poses a constitutional change. That's incorrect. I think it's very important that we all realize that it only drafts and then the states have to ratify the constitutional amendment themselves. The convention won't change the constitution regardless of what comes out of the convention. It still has to be ratified by the states. And finally, Mr. Ramirez' comment is well taken that we can limit it to one subject matter. This particular piece of legislation is drafted so that only one subject matter can come up; if more than that came up, it would self-destruct, and we have the three-year study by the American Bar Association which overwhelmingly says "yes", we can limit it to one subject matter. We have Sam Erwin, a noted constitutional authority, who agrees with it. Even recently, U.S. Attorney General Griffin Bell, also said that absolutely it can be limited to one subject matter. Twenty-nine

states have passed the legislation so far. Four or five new states have come in this year. The National Taxpayers' Union encourages Montana to be the 30th state.

Tom Rasmussen, Senate District 16, Helena, testified he would speak first, just to amplify on one of the concerns of the run-away convention, that Mr. Williams and all the speakers have alluded to. I see this as really a falacy of danger, because I think we know and it also has been alluded to, that no matter what is passed, three-fourths of the states have to ratify this if the process is to continue through. If we got a run-away convention, it's going to be difficult to get three-fourths of the states to ratify anything. It's just not going to happen, so I think this is just kind of a smoke screen being raised by the opponents.

I want to discuss a couple of parts of the overall issue and, first is what some have seen as a defect in our system - our political mechanism - in that special interest groups do mean to have their incentive to promote their own interests at the expense of the average taxpayer. There is nothing wrong with special interest groups - I am a member of a special interest group, or more. We all are. So, there is nothing wrong in this; but, we've got a system where these organized groups, representing just a narrow segment of the population, are able to gain concessions from the private sector, from the public sector because of the cost of each program is relatively small, and of course, they are all for good purposes. But this is repeated time and time again and getting pyramiding and spiralling of our government spending and it's never anyone's fault in particular. I think that requiring a balanced budget will change this in that you will have all of the groups being forced to slug it out for the more limited tax dollars available, and it will allow the elected officials to say no a little easier. Of course, as has been alluded to, we do have the balanced budget provision in our state and in many states, and it serves us very nicely, but even at the federal level, our government has operated with restraint, even though it wasn't written into our constitution as such. The politicians and the economists, journalists, and the public at large in the past did adhere to the philosophy that public budgets should be balanced. In fact, as recent ago as the 14 year-period of 1947 to 1960, there was seven years of balanced budget; actually a surplus, and seven years of deficits.

Now, over this period of time, the budget was roughly balanced with an accumulation of \$31 billion in the years of the surpluses, contrasted to \$31 billion of deficit. But since 1960, we've seen the advent of new economic theories which have resulted in the loosening of this fiscal restraint that we have known throughout our history, except in war time, where we, of course, did have to go deeply into debt, and as has been mentioned, this is not a partisan issue by any means. In looking at the performances of some of our presidents in their budgets, the Republican presidents have been as bad or worse than the Democrats at times. But, in closing, I want to share with you a quote from Melton Friedman who is a Nobel Prize-winning economist. He said that the fundamental policy of the welfare state lies in the attempt to do good on someone else's

money, and his hope for an 11th commandment is, everyone should be free to do good at his own expense.

OPPONENTS:

Senator Chet Blaylock, District 35, Laurel, in opposition to HJR 3, said he has no quarrel with desiring a balanced federal budget, but does not believe that we need a constitutional convention in order to achieve it. I can't see why we don't just propose an amendment to the Constitution of the United States requiring a balanced federal budget and not a convention. There's two main things; first my fear of the federal convention and what would happen. Rep. Ramirez has said that the constitutional scholars and legal scholars say that it wouldn't turn into a run-away convention. Unfortunately, we only have one other federal convention to draw on, and that's the one of 1787. That was called to revise the Articles of Confederation. That's all they were supposed to do. When they assembled in Philadelphia, they forgot that, threw the Articles of Confederation completely out, and rewrote the whole thing. I think they happened to do a pretty good job, but they did do as they pleased and then submitted that to the states. Once a convention is assembled, it is a plenary body and no one can tell it what to do. It will do as it pleases. All right, let us say that this happens, and they do write a new constitution. At that point, I agree, then, it must be submitted to the states, but I think we in Montana, and I guess I'm being selfish here, have to remember who we are, and where we are, and what we are. First, we are in the Rocky Mountain West, we have a very small population, and being in the West, we do not throw a whole lot of weight. Montana doesn't have as many people as Rochester, New York. We don't have as many people as the Twin Cities. We are a very small state. So, what could happen in a constitutional convention? This is one of my fears. Maybe it's groundless but it could happen. We've seen what happened to the Supreme Court decision in regards to one man-one vote. They told the states not only would the House of Representatives be organized that way, but also our State Senate. The federal constitutional convention of 1787, or 1789, when it was adopted, fixed it so that, regardless of what size, each state would have two senators under the New Jersey Compromise. Now, let's say we have a new federal convention. You have the big eastern seaboard states with huge populations; you have the midwest states with big populations; you have the southern states with all the larger populations than Montana and the big west coast states. I think that they can tailor that constitution so that it is attractive to three-fourths of the states very easily, but the Rocky Mountain West would not like it. And, what we would do is wind up losing our United States senators and sharing them with Wyoming, Idaho, North and South Dakota and possibly, Colorado. If Mr. Williams thinks he had an expensive race last time, wait until he has to run that kind of an area.

Of all the states, and maybe this isn't something we can really brag about, but Montana is in a poor position to be screaming we don't like Federal dollars. Without Federal dollars, I don't even know what we would do in Montana. More than half of our budget is Federal dollars. You cut out all of the Federal dollars, which is going to happen if we say that we are going to have a balanced budget

I think our revenue sharing is going to go. They're going to say to us, you want a balanced budget, we'll give you one, Montana. That's gone. What's another goodie: MHD. The only reason we have it is because of Mike Mansfield who had the seniority as Majority Leader of the U.S. Senate and he got that for Butte. It would be very easy for the Federal Government, at this point, to say, "You want a balanced budget; O.K., we'll shut down MHD." There are some senators facing me here that would very much like to see a re-regulating dam. I think that would be quickly forgotten. I gathered some figures of what we get from the Federal government for our University system - \$25,140,000. That's gone if you get your balanced budget. Take the SRS. I guess that's maybe not the most popular program in Montana, but there's an awful lot of people getting help from that. That total budget is \$16,000,000; Montana puts in \$5 million of it. I'm just taking round figures. Eligibility determination which counties have to decide on who is qualifying for welfare payments; that budget is \$3 million. We put in \$17,000 of that and that's all. Who picks that up if you get your balanced budget? Medical Assistance - that's \$50 million pouring into Montana in that total program; Montana puts in \$18 million. Social Services Program, now that's like state, district and county offices, home-makers, day care, family planning, child abuse, university curriculum grants; that's \$8 million for a total budget and we put in \$1,259,000.

Montana has been one of the biggest receiving states of federal money than any state in the Union. If we think we're bad off, think of New York City. In New York City, there are a lot of people saying, "Let New York City die. Let them go broke; we don't care". But, New York City pays \$15 billion in income taxes. They only get back about \$8 billion in services. The rest of that \$7 billion is spread out and some lands here in Montana. So, I would like to suggest to this Committee that instead of calling for a federal constitutional convention, we change this to say we would like to see, or we move for an amendment to the Constitution for a balanced budget. But, I think that when you start with a federal convention, Montana is playing with dynamite, and it's likely to go off in our faces.

Jim Murry, Executive Secretary for the Montana State AFL-CIO, testified in opposition, that we're one of the special interest groups in the state of Montana. This Committee is faced with nothing less than the awesome decision of calling for a second constitutional convention to balance the federal budget. Clearly, the issue House Joint Resolution 3 poses, is among the most crucial confronting this Legislature. There is no way of predetermining the proportion of the \$18 million and federally funded state and local aid that would be slashed from the 16 major programs if the action to balance the federal budget occurs in 1980. What proportion, for example, of the \$96 million allotted to the Montana Highway Trust Fund would be cut by a group of delegates 2400 miles away; or the \$38 million in agricultural grant funds for the family farmers; the \$11 million in community development funds the \$24 million in revenue-sharing funds, or the \$38 million in Medicaid for the poor and elderly; and the \$16 million in education funds.

Fifty to 60% of local funds, says House Speaker Thomas O'Neal, come from the Federal government. Without such federal funding, most states, including Montana, would face enormous deficits. It would force a choice of either increasing state and local taxes to maintain essential programs, or simply eliminate them. Raising taxes during a time of national tax awareness and statewide austerity will only serve to compound unjust hardship on the poor, the elderly, the unemployed, the widowed, those on fixed incomes and all taxpayers. But, the scheme of drawing up a constitutional convention to balance the federal budget is mostly offered by those who feel the federal deficit has been the cause of most of the economic ills of this country, including inflation, and that's simply not so. Inflation is not caused by federal funding of the states, or by any natural mystery. It's caused by people who profit from it.

Meat loaf is a lot more expensive than it used to be. Statistics from the Bureau of Labor show that prices for the four basic living necessities of food, energy, housing and health care have skyrocketed at a much faster rate than non-necessities. Four out of five Americans spend nearly 70% of their after-tax income on just living and 30% on luxury. It's the profits on basic necessities made by large corporations and by big business that have directly contributed to inflation. According to the Federal Trade Commission, drug company profits soared by 18.2% in 1977; while average manufacturing profits rose by 14.2%; while doctors' fees have risen much faster than the cost of living, the pay for nurses and other hospital workers barely kept pace. The average doctor in 1976 in this country earned \$63,000. The food industry is punching the consumer and the family farmer.

While food prices went up 67% during the period between 1970 and 1977, after-tax profits in food marketing rose over twice as fast at 150%; yet farmers did not cause the inflation rate. The average farmer earned only three cents for every dollar paid for bread. Workers in the food industry did not cause inflation. From the period between 1970 and 1977, their hourly wages didn't even keep up with the increase in the food marketing business. Gas and electric rates increased 69% during the 1973 to 1979 period. Energy prices rose 99%. More than twice as much as non-necessities. Last winter, one out of five older Americans had to choose between buying groceries and paying the utility bill. Profits of the nine larger oil companies doubled between 1970 and 1977, from \$4 1/2 billion to \$9 billion. The 8 largest oil companies control 50% of domestic oil production and 40% of natural gas and increasing amounts of coal, uranium, and alternative fuels.

To argue that reducing the minimum wage for increasing employment or reducing federal funding to the states will hold down gasoline or utility rates, is economic nonsense. Profits were similarly observed in the housing industry. The price of an average new house has more than doubled between 1970 and 1977 to an increase of 109%, while land prices and mortgage rates increased in similar astronomical fashion. Labor costs actually decreased by 8% as a component of home construction costs. In citing these statistics, I do so only to illustrate that calling a convention to balance the federal budget will not balance profits by large industries to sap the buying

power of our dollars. Cutting through wasteful government spending makes sense on its own merit, but it won't affect the price of oil, the doctor bill, or the meat loaf.

Even though the house joint resolution calls for a constitutional convention for the "exclusive and single purpose of balancing the federal budget", there is no guarantee a convention could be limited to just the one topic and there is a great difference of opinion between students on this issue. We might see such issues as repeal of the income tax, reversal of the one-man, one-vote election process, abortion, compulsory open shop, and a host of other emotional issues arise; and in this case, a critical concern that arises for Montana would be the possible dominance of eastern states represented at such a convention. It's easy to picture the kind of proposal coming from states who set huge fuel costs, as to how to most readily take advantage of Montana's abundance of natural resources, and at the cheapest possible cost to them, and set up by constitutional convention procedures, and the like may well exceed the cost of balancing the federal budget. And that cost will be borne by the taxpayers. For these reasons, Mr. Chairman, the members of the Committee, the Montana State AFL-CIO opposes this House Joint Resolution 3.

Jerry Driscoll, representing Laborers Local 98, Billings, stated they believe that this resolution is not needed. When the present administration took office, it inherited federal deficit of over \$60 billion. The present deficit is about \$40 billion and the proposed budget is approximately \$29 billion. We are headed for a balanced budget that should be here by 1982. This resolution is very dangerous, and to back up some of the comments that Senator Chet Blaylock made on what could happen, Senator Ward Mason of Texas has already introduced legislation to end the federal revenue sharing. If we pass this resolution and have a constitutional convention, I believe that Montana can only lose and not gain.

Paul Richards, State Director of Common Cause in Montana, a citizens' lobby for open government and accountable government, stated he spoke neither as a proponent nor an opponent because this is one issue in which he could see both sides on the national level. I think there are some points that have been made that speak to Montana. On one hand, I am excited by any general move of concerned people to get involved in the process and determining the process; on the other hand, we're now right at the verge of being in the most unusual situation of calling the first constitutional convention since 1787. We're dealing with the very foundation of our country with something of importance which has to be considered by your legislators regarding this resolution. We're not simply sending members to Washington to balance the budget. Your petitions to Congress are not formal expressions of opinions. They are a formal application to convene our first constitutional convention since 1787. In many states that are now in the category calling for a constitutional convention, this issue has been treated extremely casually. We'd like to ask the remaining states that if they should consider the issue to review some of the examples that have happened. Of the first 21 petitions passed by the states, there were only 6 that had committee reports issued on hearings where the public was allowed to testify.

In Louisiana, it was introduced one day and cleared both houses three days later without referral to any committee. Wyoming's legislature took less than two weeks to pass the petition. Now, this is several examples of legislature minimizing public hearings and public input, and I think it's very crucial now that we're getting down to the final states. I think it's very crucial that the final questions be raised as to the process. One was the recent attempt to get a constitutional amendment overturning the Supreme Court's decision on the reapportionment plan. When calling a convention, there are procedural questions that both proponents and opponents have raised such as whether the convention has the power to limit. Congress has the power to limit the convention and deliberation of the subject matter. We are thankful now that the words have been placed in the State Resolution on national enabling legislation which would have this limitation safeguarded. The national enabling legislation which was introduced did set 7 years for the petitioning of the convention and that each state shall have the same number of delegates and elected in the same manner. It would require that he or she propose or vote for any proposed constitutional amendment concerning a subject not named in the legislature's resolution, with one vote from each delegate, requiring two-thirds of all delegates. This is a vital matter because right now, the area law is totally vague and there absolutely is no idea as to where the reins would be drawn and who would hold them once the constitutional convention became a living entity. We think that it is very crucial to know how the convention would be restricted. I think another thing which you have to consider is all the issues to which amendments have been suggested to the United States Constitution in recent years, such as school bussing, abortion, apportionment and school prayer. Every single one of those issues was an issue which had to be adopted by constitutional action. The amendment did not achieve its goal legislatively. They had to amend the Constitution. That's true of the Equal Rights Amendment. It is not necessary to amend the Constitution in order to achieve the goal of the balanced budget. It is something that Congress can do by statute and can be done through the political process without a structural change in the governmental system. I think that this has to be considered. I think that politicians like Larry Williams who think there are valid complaints, and they're doing it constructively and in constitutional channels, and we do have to consider they are trying to do legislative matters through the political process of our country. You might like to consider this aspect. Thank you very much.

In closing, Rep. Marks added he wanted to touch upon some of the comments made by the opposition. I think the comments made by Senator Blaylock were completely false. Senator Blaylock indicated that he would like to have us resolve and resolute to Congress and just draft the amendment. We've done this in the past and it hasn't happened. I would like to say that only Congress itself can draft a constitutional amendment. Only Congress can. We can't. I think another point was completely missed in his testimony where he said we are not going to get any funds from the Feds. That's absolutely illogical and illconceived. All it says that if we get funds from them we have to pay for them. We'll just have to pay for them. The comments from some of the witnesses saying that all the social programs would be thrown out, all the help to the old folks

would be thrown out, if you have a balanced budget is hogwash. Senator Story and I sat on a committee that has been laboring for weeks, I guess months now, dealing with human services. I don't think the State of Montana is so cold hearted that it wouldn't fund human services and help for the old people and the infirmed, the sick and the poor; but we pay for it, and that is what this is asking Congress to do. Really, to talk about the hazard of calling a constitutional convention because you might get all sorts of dogs and cats, I think is equally a scare tactic, because it has to be sent back to the states for ratification by three-fourths of the several states. Thirty-eight of them have to vote affirmatively to pass this, and Montana is just as big a state as the rest of them when it comes to passing it. Referring back to some comments which were mentioned a little earlier, we have the poll figures indicated by Rep. Ramirez of a cross-section of the state. To show how bi-partisan the belief in this issue is from the poll, it indicated that straight Democrats quoted 71.4% in favor of it and 17 against. It might be interesting to note that the least popular group was the one who said they were straight Republicans, for only 61.9% said they favored it and 19 opposed it. The people who were mostly Democrats, Independents and mostly Republicans ran around 70% in favor and around 15% against. If you have any problem with it, I think you can rely on that poll as a scientific one done. One of the question that was alluded to by Mr. Richards about the limitation to call; we not that the very last part of the resolution calls for Congress to set up the mechanics in order for this petition to be valid, and I think you have it in your packet, a copy of the resolution that was introduced in the House.

There being no further testimony, the hearing closed on HJR 3.

CONSIDERATION OF HOUSE BILL No. 567: The Chairman called on Rep. Joe Magone, District 24, Superior, Chief sponsor of House Bill 567 to present his testimony. His reasons for introducing HB 567 were that he felt there is no doubt that a person who serves two sessions in the Legislature is a better representative of the people than someone who has served only once and has to stand for reelection. With four-year terms, it would save the legislator himself time, of course, in campaigning and that sort of thing, and money; and, it would also save the county a small amount of money because there would be less names on the ballot which is pretty insignificant, but it would save the State a considerable sum of money. In his opinion, and using himself as an example, he was first in the Legislature as a Representative in the 1975 session. At the end of that session, was appointed to two interim committees, and served very seriously on both of them; made a trip back to Washington, D.C., and Sacramento, California with Senator Brown on the Western States Task Force. I don't have the exact amount, but I am sure that my expenses to the State were in the neighborhood of \$1,000 for that committee. The other committee was the State Employees Pay Plan Committee, and I came from Superior to Helena a number of times on committees. Again, I suppose it cost the state within the neighborhood of \$1,000. I was defeated in the '77 election, therefore, I did not even come back to the Capitol to appear and testify on my input on these two committees; therefore, I feel it was a complete loss. If, as you Senators well know, being elected on a four-year term, you can be

assured that at least part of the people will come back to testify. I think you also realize there is a number of legislators, especially House members, that come blind at the end of the interim. There are many other things and possibilities that I think that this would help. Maybe it would take some weight off the Senate's shoulders because, after the session is over, the day I walk out of this Capitol, I don't know if I'm coming back. Therefore, my constituents will not probably approach me to try to straighten out their problems next time, they will go to a Senator. I think this makes an extra load on Senators. There is also the possibility that if on a four-year term, I think they could possibly have a ruling of entering their bills at an earlier time, starting the mechanism of the session earlier. There are many other things, but I won't go into them now, as I am sure that you can imagine them. So as to not keep any secrets from the Senators, in the House of Representatives, I have presented some amendments to include the Senate on a six-year term. I'll present this to the panel for their deliberations. These amendments were defeated on the floor of the House, and it went back to only include the four-year term for the Representatives. It would be real fine with me, whatever you want to do with these, if you would care to re-enter these amendments when this is presented on the floor of the Senate; other than that, I think I have no other testimony, and I don't think there is anyone here testifying for or against it. Thank you.

No further proponents appearing, and no opponents, the hearing was opened to questions by the Committee. There were none, so closing statement was called for.

Rep. Magone stated there was really nothing more he had to say. I thank you very much for your deliberations on this and I really feel that this has a lot of merit and whatever you wish to do with it is fine. Thank you.

CONSIDERATION OF HOUSE BILL NO. 350: The Chairman, after a short discussion as to the number of proponents, called on Rep. John Vincent, District 78, Bozeman, to present his testimony as sponsor of the bill. He discussed amendments which he made to it and presented the Committee with a clean copy of the bill which is the first sheet they had on their books and the formalized amendments which is the back-up sheet. In substance, the amendments make absolutely clear that this bill addresses itself to one campaign only - the campaign that you and your opposition are involved in. If you take a close look at the blue copy, it could be read to imply that you had obligations to watch and condemn other candidates who weren't involved in your particular race. I wanted to tighten it up and to zero into that one race. Most of you have served on this Committee before, so, I'd like to by-pass a lot of background on this because you have considered it before. Let me just give you one example. In my second campaign for the Montana House, I was accused of going to Helena and violating the trust of my constituents by, first and foremost, voting myself a pay raise. I had to work long and hard to find out what that meant. Finally, after questioning I found out that because I voted for an increase in the School Foundation Program, I, therefore, had voted myself a pay raise as a teacher. Well, we all know we're a citizens' legislature, and we

all know that we all make votes that affect us one way or another, but because it is directed toward a class, we don't have any particular problem doing that. At any rate, I filed a complaint because, in Montana at that time, we had a criminal libel suit; the letter came back to the opposition and myself that "I think you have grounds, Mr. Vincent, but it looks like the criminal libel suit is unconstitutional". Therefore, I couldn't have any regress under that, and my funds were limited, so, I didn't have the best of opportunities to address it by public forum in any way. I felt that a good idea would be to adopt a code like this, so that in a similar circumstance, which happens time and time again in elections throughout the state, you could point to something such as the next to the last paragraph on the clean copy which states, "I will conduct my campaign without the use of personal vilification, character defamation", etc., etc. or at the top of page 2, you could point to that and say in this particular case, I believe the charge that my opposition made that I voted myself a pay raise distorted the facts; that it does misrepresent; and that it is character defamation and personal vilification. You have something tangible to point to and then you simply leave it up to the voters to decide on the basis of that. Finally, it is voluntary; a failure to sign it is not a violation of the election law; there will be no publicity required by the commissioner. You can see some language was amended out by the House, and I think that, although there are no penalties, this represents a substantial and fair-minded first step to assure that campaigns are run fairly in the State of Montana.

Further proponents: Paul Richards, representing Common Cause, supported the bill.

There were no opponents appearing and the hearing was then opened to questions by the Committee.

Senator Rasmussen: Is the blue copy then the same as your handout?
Rep. Vincent: No, it is not. The white copy is amended. If you will look at the back of that handout, you'll see on a separate sheet the amendments formalized in proper language; but, the front white copy is the bill as I would like the Committee to amend it, regardless of the final action that is taken. So, there is a substantial difference between the white copy that I just handed out and the blue copy.

Senator Rasmussen: Would you just briefly state what this would do to each candidate? What would we do now in the next election if this passed that we didn't do in the past election?

Rep. Vincent: I think the difference would be very slight. When you file for election, you would receive, along with all of the other material, a form with this code on it. You could, at that time, sign it or not sign it and return it right along as you do with all your other final reports, and that's the end of it. Then, later on, if you think a charge has been made against you by your opposition, you can refer to this, and say that you think your opposition has violated the code that he prescribed to at the beginning of the campaign. I think it's basically as simple as that.

Senator Roskie: You mentioned regress, John, from your previous campaign - how do you address the question of regress under this?

Rep. Vincent: I think that if you determined that you wanted to respond the way that I would have responded in that particular case, I would have taken the statement which my opposition used: "John Vincent went to Helena and voted himself a pay raise" - and I would have quoted that in the newspaper, and I would have said that in reference to this code, that it was unfair because it misrepresented and falsified the facts and character defamation and vilification, and just leave it up to the voters to decide. But, it would have given me something. In the beginning of this campaign, my opposition promised not to do that kind of thing, and now I can point to this code and say, in my opinion, he did; now you can judge it for your self, those of you who are voting in that particular election.

Senator Roskie: You mentioned a suit, however, in your previous case

Rep. Vincent: I was interested in filing a suit under the old Montana criminal political libel suit, and the attorney and Commissioner Hanson said that if the criminal political libel statute was, in fact, constitutional, I would have an excellent case; however, the judgment had been made that it was unconstitutional, and indeed, in the '77 session, all of us had voted to repeal that section of law because it violated the First Amendment rights.

Sen. Roskie: One more question: couldn't you do exactly the same thing with or without this sort of code and the references to the amendments?

Rep. Vincent: In all honesty, Senator, I think that you could - I simply think that this makes it easier to do and more clearly defined. But, yes, I think that if you want to take the time and effort and make reference to your ideas of fair play, whether or not they are in a code, that you could do that, but I think that this puts something tangible on paper that you can make reference to; people know about it and can judge on that basis, so I would certainly say that it's not impossible.

Senator Roskie: I hope that they all believe in the Ten Commandments but I -- I don't necessarily think they ought to sign the Ten Commandments as a document that we believe in.

Rep. Vincent: My only comment to that is that I think candidates have - or even before the time they become elected officials have special obligations - doctors sign oaths, attorneys sign oaths, and I think that this is a very mild one, and one that no one can really disagree with as far as what's in it. You might have disagreement on whether we should have it or not, but no one can disagree with what's in that, and I think that it would simply subscribe candidates to some kind of a fair campaign code like doctors and attorneys and would be prescribed to once we are, in fact, elected. I would just like to make clear that the copy I passed out is the amended form that I would like to have considered by the Committee,

There being no further questions, the hearing closed on HB 350.

CONSIDERATION OF HOUSE JOINT RESOLUTION No. 19: The Chairman called on Rep. Wes Teague, House District 69, Billings, sponsor of the Resolution, to present his testimony. He said the Resolution addresses itself to the problem that we have had as far as the statistical problems of the Hispanic society. In 1960 there were 6,000 Mexican-Americans in Montana; in 1970, the number had grown to 10,000 with many migrant families coming from the Yellowstone River Drainage. Today, it is estimated that there are 15,000, of which probably one-third are located in Yellowstone County. Now, before I go any further, I just want to make one comment - this 1/3 or 5,000 people is a bigger population than a lot of cities in Montana. I just wanted to emphasize this so you can understand and endorse this Resolution. Primarily, this Resolution is aimed at three basic facts. Right now, the Hispanic, or the Mexican-American people are counted with white statistics, so we have no statistical records at all. For instance, unemployment, police encounters and actions involved with any type of benefit programs, because of this, we in Yellowstone County, are unaware of the situation. Before I go any further, Rep. Ramirez, I believe, is on our side, and also Senator Blaylock wanted me to bring this to your attention.

The Resolution itself is requesting the Department of Community Affairs to employ staff personnel and resources to undertake a thorough study of this problem. Financially speaking, they are already funded, and they are already supposed to work in this type of field, but now we are asking the House to vote on this particular problem. There are some suggested amendments that I will draw to your attention before we get too involved with this bill. The first amendment asks the Department of Community Affairs be authorized to seek funding from available sources, Federal, State, county and local. I don't want you to think here is a money bill - we're talking about available funding - available sources. This bill does not require a fiscal statement of any point. If there is any monies involved at all, they will be strictly from the organized funding program. Also, in this Resolution, I would recommend a further amendment: "Be it further resolved that the Department of Community Affairs will report its findings to the 47th Legislature and make available to the Legislative Council recommendations for legislation for implementing the study findings". Our purpose by this amendment is to require the department to reports its results. The bill was well heard in the House and passed very easily, and I suppose I'll make this a point in my closing; what I am primarily concerned about is that we have a problem and we're here to ask you to help us with it. Thank you.

PROPOSERS:

Robert Frederico, Billings, former state representative, supporting the resolution, stated he came from a community of one of the largest concentrations of Hispanics in the state. As Rep. Teague mentioned, this study is an undertaking by the DCA to study the problems affecting the citizens of Montana of Hispanic heritage, and this study be assisted by established Hispanics organized in the state of Montana. That's the only thing that it does. The other thing is that it does

not cost the state of Montana anything; it authorizes the DCA to go out and get money to undertake this study. Now, there are reasons why we are doing this. One, is that there are conditions hindering the economic development, employment, educational development, and the employment opportunities. This study would attempt to isolate them and report on them. I think that there would be a mechanism for us to allow both government and the private sector to become aware of the above conditions, and, third, that there would be a concerted effort to begin to eliminate the factors that contribute to poor economic conditions. There are other people who are going to report on the indicators that brought us to this setting.

John Salazar, Miles City, and a proponent of HJR 19, testified in 1960 there were 6,000 Mexican-Americans reported in Montana; in 1970 there were 10,000, over 3,000 in Yellowstone County. In 1980, it is estimated there will be 15,000 Hispanics residing in Montana; over 4,000 living in Yellowstone County alone. In addition, over 10,000 migrants enter Montana during the 6-8 week harvest periods. The population increase is a real concern. The population increase affects employment, health, social services, education and the like. Thank you.

Esther Peralez Hoffman, Billings, and a proponent of HJR 19, stated; it seemed that the State and local institutions do not take the Hispanic conditions as a serious problem. We make observations in educational institutions but cannot substantiate our claims of the high drop-out rate so institutions just acknowledge our concerns but do not move toward action. The problem is that we lack the authority of a scientific report filled with data that substantiates the claims.

Angie Cormier, Billings, stated she was a proponent of HJR 19. In the area of employment, it is difficult to obtain accurate information. For example, in fiscal year 1978, the projected rate of employment in Montana was 6.7% for "whites"; 19.8% for non-whites. In Billings, it was 5.9% for "whites"; 11.7% for non-whites. Interestingly, unemployment for Hispanics are all included in the "whites" category. Unquestionably, the white population would be smaller. A little bit better report was included in the Manpower Information Report in '75-76, based on the 1970 census notes. Unemployment in Yellowstone County: 5.8%; 7.3% unemployment for Spanish surnamed workers. Rep. Teague mentioned a problem. Mexican-American families do not have recognizably Spanish surnames. In 1975, I found it necessary to visit the employment officer. With a name like Cormier, I would not show up under Spanish surnames. I have three sisters, two of whom are sole supporters for their families. Their last names are Peterson and Ralston. If I may, I would like to address the need for HJR 19 from the angle of educational needs also. I teach at the Adult Learning Center in Billings. Fully one-third of my students are minority students; many of Spanish or Mexican-American descent. In 1975, from some figures supplied by the School Districts, I sifted through and came out with some information. About 70% of Spanish surnamed children who begin first grade do not graduate. Why? For the benefit of all Montanans, let's find out why so we can start to do something about it. Thank you.

Esther Peralez Hoffman again appeared to speak on Affirmative Action Programs. She advised Affirmative Action Programs are probably, at this time, helpful to native Americans and Blacks. For example, university and private institutions have native American or black studies. None of them have cultural studies for Hispanics who happen to be a separate minority in Montana. Needless to say, Affirmative Action Programs are not oriented for Hispanics and are statistically a part of the white population.

Mr. Frederico made reference to documents from doctors, professors and responsible community people who support HJR 19 which were handed out to the Committee. He then reminded the committee that this Resolution does not require any state funding. He would have liked to have come in and asked for \$50,000 but couldn't. It just suggests and authorizes the DCA to seek funding for a study of the Hispanics in the state of Montana and to be assisted by the counties. The reason we are doing that is that we have accelerated goals; we are not authorized to go out and seek funding, and by 150 elected officials saying so, that will give us the ability to go out and do the things that the community of Hispanics in the state of Montana would like to do. We have employment difficulties in getting the kind of statistics we need to verify our conditions, have Affirmative Action programs and programs for Mexican-Americans as there are for Blacks and Native Americans, and we have educational difficulties, so, we urge you do pass this Resolution.

Rep. Bob Dozier House District 61, Billings, testified that the reason he was a proponent of this bill is that he probably represented the highest concentration of Hispanics in Montana and lived amongst these people and knew some of the problems that they suffer. Many of these families that we're talking about have been here for several generations and are actually property owners and taxpayers in our districts, and I think that their accessibility to government has been reduced tremendously because they just don't really understand the system. These are some of the problems I have to attack to get these people into the mainstream of government. I think once they've joined that mainstream, a lot of problems will be solved. I think most of the other problems have been hit upon and would just ask your support on this Resolution.

Jerry Driscoll, Laborers Local Union #98, Billings, stated he thought everything has been covered so, just asked for support of the bill.

John Fine, Billings, testifying in support of the Resolution urged the Committee's support. I'm encouraged by the great deal of initiative that people in Billings are showing for this and the amount of interest within the Hispanic communities. I think if they have the encouragement to go out and seek funds, they will get this job done. Thank you.

Rod Garcia, representing the Seasonal Farm Workers Advisory Council for Montana requested to be on record in favor of the Resolution.

There being no opponents to the resolution, questions from the Committee were called for.

Senator Rasmussen: I would like to ask Mr. Frederico. You said that this resolution just asked that the DCA seek funds? Well, as I read it, it doesn't do that; it says DCA shall undertake a study of the problems affecting the citizens of the state. So you have an amendment.

Mr. Frederico: Yes, there are amendments by Rep. Teague who talked about them in his speech, plus in another part it clarifies the one part. His amendment also makes it more clear as here it says that the DCA employ staff personnel, that "resources" takes care of someone to go out and get the resources for this bill. So, this amendment actually clarifies what is meant by "resources".

Senator Story: What are the Hispanic organizations you expect to study?

Mr. Frederico: In the state of Montana presently, there are around seven Hispanic organizations; three of them are located on University campuses; one at Billings, one at Bozeman and one at Missoula. There is an international association located in Great Falls, and there are three Mexican-American organizations in Billings. Hispanic means simply of Spanish origin, and this includes anyone that comes from South America, Costa Ricans to Puerto Ricans, of which Mexican-Americans comprise the largest group in the state of Montana. In the amendment you were referring to "Hispanics" was presented by Rep. Fabrega who is from Great Falls. He's a Costa Rican and wanted to make sure that all of the Hispanics were included.

Senator Story: You brought up the problem of people with Hispanic names who are not particularly Spanish and people with English names who are Hispanic. It's the Federal census that identifies these various elements; the 1980 Census is coming up. The information is public about community affairs, but the census takers are paid for and instructed by the Federal government. If you were to address the problem of actually identifying these people, you would have to address a proposal to the Bureau of Census. Are you doing this?

Mr. Frederico: No, but several southwestern Mexican-American organizations are taking that issue on. There seems to be two problems. One, Spanish surnames is a difficulty, and another one is separating the Spanish and/or the Mexican-American names. Spanish surnames are difficult to recognize. That is the problem we are facing. As I understand it from the United States Census, they are now including separate categories to determine whether you are Spanish from Spain, Mexican-American descent coming from Mexico, or other Hispanic - Puerto Rican, Costa Rican, Cuban or the like, in order to separate the differences between them. The second, there are several Mexican-Americans in the State who refer to themselves as Spanish and Mexican-Americans. That poses another difficulty, because if there is a linkage to Mexico, then you are Mexican, but if you have a linkage to Spain, then you are Spanish. It is difficult, but the only way it could be recognized is by individuals checking census figures.

Senator Story: Then, if this is done in the next census, their data is profiled and published by the DCA and if they are so identified, they will also be identified by type of household, by type of profession, and occupation, by these other things. If you identify who these people are, then you are also identifying their

rate of unemployment. There's probably two hundred different ways and that is now done by the DCA. It is presented by them and that is where you get your Federal Census data and those several hundred pertinent questions as to illnesses, job opportunities, housing, and that sort of thing. I think that's what you're looking for, isn't it?

Mr. Frederico: The new Federal law states that no employer can ask anybody certain types of questions - one of those questions they cannot ask pertains to their ethnic background, it's all voluntary information. Now, if we were to go to your house and ask you what your background is, that's totally voluntary - it's not mandatory. That's what poses the problem. That, again, is the problem that Angie pointed out. You can't obtain information from employment figures because Mexican-Americans are categorized as white and not categorized as Hispanic ethnic group. This posed another problem in trying to isolate the problems affecting Mexican-Americans. There's not readily available information. It can be obtained, but you need to be authorized to look at the record of employment in order to pick out at least a close number of actual statistics that affect Mexican-American population. So, we have a contradiction. One, we have Federal laws that say you cannot ask a certain kind of information; yet, on the other hand, you have a census that seeks to get that information. My response to that, Senator, is that we know the Census comes out in 1980. We do not have the background information that authorizes us to go out and get the kinds of funding that we need to take on our own problems, and I know that if we are able to begin doing that now, becoming responsible citizens in the state of Montana, then we can look at decreasing the kinds of problems that we seem to have at this time for our future.

Senator Story: No, the contradiction is cleared up; if you solve the problem of properly identifying to the census workers what your heritage is. If you do not, by these various breakdowns which the DCA passes on, your housing, your health, your employment opportunities, your schooling, all these things will come out through the census material. If you do not get the ethnic background, then you don't, and the state has no mechanism for doing it on its own.

Mr. Frederico: The only difference is that we have material already available. Let me give you another example. The statistics in the Justice system: we have individuals who are arrested that have Mexican-American heritage. They are reported as such. If they are involved in a crime, the reporting person terms the person as Mexican-American. When they are taken into the system, they are reported only by their names, but they cannot be listed as their ethnic background. Even though you have statistics that give us indications, say, the census, it does not draw out those statistics that gives us the number of crimes committed by Mexican-Americans in Billings, where you have a lot of concentration. The census just does not give the kind of information that we need because the census is more broad in area. It only reports individuals that voluntarily give the information.

Senator Roskie: I don't know if Rep. Teague or the gentleman here - do you have an answer to that question?

Jim Parker, Montana Human Resources Development Council, commented

the census is taken in different counts - different samples. The first count is 100% sample; the second count is about 50% sample; the third count is about 20% count sample; and the fourth count is about a 5% sample using statistical methods of different sorts of analysis procedures with computers. They can make projections if they have a large enough population of people to deal with. I don't believe that 15,000 people is a large enough population to deal with for the kinds of socio-economic factors which are the third and fourth counts. Information which this Resolution will seek, however, the first count taken will identify them. You're right; it has been a problem identifying where those people are and it will make it much less expensive to do a study. It will generate well documented, social-economic information because the first count does correlate with the overall population factors. The third and fourth counts are the ones by education and those types of information. I have had three or four years experience in working with census information, and it's very frustrating at times. In Montana, we have populations that are so small they have some information suppressed because a small group of people is not make public because it would be a violation of those people's privacy. That occurs in many cases. A case where we just couldn't get that information was because the group of people who were of Hispanic origin and had incomes above \$20,000 a year in Missoula County - there only maybe 5 or 6 people, so the Census Bureau would not give it to us.

Senator Ryan: It is a violation of the law to ask anyone what their ethnic background is, isn't that not true?

Mr. Parker: On employment applications.

Senator Ryan: How about the census?

Mr. Parker: The Census Bureau is optional - we don't have to put it down. There were some Native Americans last time who did not want to be counted as Native Americans; they started a campaign not to be counted that way.

Senator Ryan: Are you saying, they can ask the question, but whether you want to answer it is optional? Are you sure that that is according to U.S. law?

Mr. Parker: I'm not a lawyer, but that's my understanding. It is optional. You don't have to put your race down, even on the Census.

Senator Ryan: My point is that they are not authorized to ask that question?

Mr. Parker: On the Census, you are authorized to ask it, you can fill in whatever you want - you get this in the mail and the taker comes around.

Senator Ryan: The reason that I bring this up is that I have seen applications that say you don't have to answer. However, we want this. As a matter of fact, I've seen mimeographed sheets attached to State employment applications and municipal applications.

Historically, what I'm saying, when we ask this question, we are in

violation of the law because, in my opinion, it's a good way to eliminate Mexican Joe or his fellow Indian from the job.

Senator Roskie: Is the voluntary question asked? I think that's what Senator Ryan wants; is the question properly placed or is it improperly placed?

Mr. Parker: Not on the Census. They always raise that question. There will be more elaborate testimony in the new Census than has been in the past.

Senator Story: Mr. Parker, are you the Director of the HRDC?

Mr. Parker: No, I'm the Executive Director, Montana HRDC Directors Association. We're a non-profit corporation governed by the HRDC.

Senator Story: But your funding comes from Allen's office?

Mr. Parker: Probably a third of our funding comes from Allen's office; a third comes from the local areas, and a third comes through a contract that we are carrying out of the Regional Office - Federal money.

Senator Story: Then, it is your anticipation that the Bureau of the Community Affairs would be Allen's Human Services?

Mr. Parker: It probably would be a combination of the research and information division and the Human Resource Division under Tom Allen.

Senator Story: All Tom does then is pass on what federal statistics he can obtain.

Mr. Parker: Well, they do buy the tapes, but they have recently installed a micro-processor, a small computer in the Department that will enable them to do a small survey, do the tabulation on a smaller sample and run that against the larger tapes. The larger products and the capability is going to be much more in a custom way than it has been in the past.

Senator Story: But, his budget was cut one FTE, you know?

Mr. Parker: I'm not following that.

Senator Story: I think they only had four people so now they have three.

There being no further testimony, closing statement was called for.

Rep. Teague added that the Senators have been here before, and heard what the proponents from our districts and the Community Affairs people had to say and Representatives Dozier and Teague and Senator Regan have areas that are becoming more and more Hispanic in nature with this type of situation. So, if I can be selfish for a minute, I would like to get this Resolution passed so we can know a little more about my district. I know they are there, there's a lot of people there, but I don't know exactly

what they entail as far as statistical data. I don't know the unemployment part of it, I don't know the police part of it, I don't know a-y of it, and, in closing, I just want to make a comment. It's hard to convey my message to you people that we are talking about a situation that involves Billings, and other parts of the State, but primarily Billings, the way it's growing right now, because we have the sugar beet factory, etc. What I'm trying to say is that I'm asking you, the State, to look at our problems to help us on a local level and I really need a lot of hlep. Thank you.

There being no further questions, the hearing on HJR 19 was closed.

ADJOURNMENT:

There being no further business to bring before the Committee, the meeting was adjourned by Chairman Story at the hour of 12:15 p.m.

PETE STORY, Chairman

Date March 10, 1979

ROLL CALL.

STATE ADMINISTRATION COMMITTEE

46th LEGISLATIVE SESSION - 1979

[illegible]

Each Day Attach to Minutes.

DATE

March 10, 19

COMMITTEE ON

State Administration

H. B. 350, 567; HJR 3, 19

VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One	
			Support	Opp
Maria E. Federici	Resolution House Bill HDR -	19	✓	
Robert M. Federici	HJR -	19	X	
James E. Mallard	Mt. Carmel Indian Services	HJR 19	X	
Mary Hoffman	Self	HJR 19	X	
Edith P. Williams	Madison American Comm.	HJR 19	✓	
Cindy K. Gordon	Self			
John Volin	HJR LEG. EFFORT HJRC	19	✓	
John Salazar	ACT 104 F.O.A. EAST. MONT. Mt. Carmel Indian Services	HJR 19	✓	
Phil M. Stolt	Council Directors Assoc.	HJR 19	✓	
Jack Ramsey	HD 64	HJR 3	✓	
Gene Orsini	Laborers Local #98	HJR 3		
ANDREW WILLIAMS	NAT'L TAXPAYERS UNION	HJR 3	✓	
Jim Murray	Mont. State AFL-CIO	HJR 3		
ALAN JOHNSON	Northwestern Bank	HJR 3	✓	
Angie Cormier	Mex. Am.	HJR 19	✓	
Les Tesner	Representative - SOUTH Billings	"	✓	
Dandy Sargent	ETC	HJR 3 HB 350	✓	
PAUL RICHARDS	COMMON CAUSE / MONTANA	HB 350	✓	
"	"	"		
Chet B. Blaylock	State Sen.	HJR 3	have testimony neither support oppose	
John Vincent	HD 78	HJR 3	✓	
Helena S. MacLay				
Mr. Blaylock		HJR 3		
John B. Fox				
Dickey Peterson				
Brenda Peterson				

DATE: _____

COMMITTEE ON _____

VISITORS' REGISTER

[illegible]

NAME: PAUL RICHARDS DATE: _____

ADDRESS: P O BOX 822 HELENA 59601

PHONE: 442 - 6959

REPRESENTING WHOM? COMMON CAUSE / MONTANA

APPEARING ON WHICH PROPOSAL: HJR 3 / HB 350 - strongly support
Neither support nor oppose

DO YOU: SUPPORT? _____ AMEND? _____ OPPOSE? _____

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Rep. Joseph M. Maguire DATE: 3/10/79

ADDRESS: Superior, Mont.

PHONE: _____

REPRESENTING WHOM? Chief Sponsor

APPEARING ON WHICH PROPOSAL: H.B. 567

DO YOU: SUPPORT? X AMEND? _____ OPPOSE? _____

COMMENTS: Present Bill

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Mrs. TEGUE DATE: 3-18-79

ADDRESS: 336 - Murie - Bunker Ave

PHONE: 259-3757

REPRESENTING WHOM? Representative - District 60 - Billie

APPEARING ON WHICH PROPOSAL: HJR 19

DO YOU: SUPPORT? ☒ AMEND? ☐ OPPOSE? ☐

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Robert M. Federico DATE: 3/10/79

ADDRESS: 42311 Jansma Ln

PHONE: 285-2907

REPRESENTING WHOM? Mex-Am organizations

APPEARING ON WHICH PROPOSAL: HR-19

DO YOU: SUPPORT? ☒ AMEND? ☐ OPPOSE? ☐

COMMENTS: Will submit testimony

NAME :

DATE: 5-10-79

ADDRESS :

PHONE :

REPRESENTING WHOM?

APPEARING ON WHICH PROPOSAL:

DO YOU:

SUPPORT?

AMEND?

OPPOSE?

COMMENTS :

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: ESTHER Paralez Hoffman DATE: 3-10-79

ADDRESS: 3515 Hawthorne Lane - Billings

PHONE: 248-6094

REPRESENTING WHOM? Self & Mex-Am community

APPEARING ON WHICH PROPOSAL: HJR 19

DO YOU: SUPPORT? ☒ AMEND? ☐ OPPOSE? ☐

COMMENTS: will submit testimony.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Angelina Vallejo Cormier DATE: March 10, 1977

ADDRESS: 2115 11th St West Billings MT 59102

PHONE: 259-7762 home — 252-4320 work
Adult Learning Center

REPRESENTING WHOM? _____

APPEARING ON WHICH PROPOSAL: HJR-19

DO YOU: SUPPORT? ☒ AMEND? _____ OPPOSE? _____

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Robert Wozniak

3/10/79

ADDRESS: 3923 3rd. Ave. So. - Bldg 1195

PHONE: 215-7743

REPRESENTING WHOM? Kendlesentative AD 61

APPEARING ON WHICH PROPOSAL: HSR-19

DO YOU: SUPPORT? ✓ AMEND? _____ OPPOSE? _____

COMMENTS:

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.



The Big Sky Country

MONTANA STATE HOUSE OF REPRESENTATIVES

TESTIMONY OF REPRESENTATIVE ROBERT L. MARKS, District 80

House Joint Resolution Number Three

January 30, 1979

The framers of our federal constitution were men of great perception, and they produced for us a truly remarkable document.

There is one area that they did not address themselves; they failed to place any constitutional fiscal restraint on the operations of the federal government. In fact, it is now, two hundred years later, that it appears necessary that a way be devised to accomplish fiscal restraint. Our founding fathers did provide us with two methods by which the people may amend our constitution.

The first is to persuade congress to pass a constitutional amendment which must then be ratified by three/fourths of the states.

The second way to amend the constitution is for two/thirds of the state legislatures to petition congress to call a constitutional convention for the purpose of consideration of amendments to the constitution.

I have prepared and introduced HJR 3 to induce congress to respond to the problem of continued deficit spending by causing to be used either of the above two procedures for a constitutional amendment requiring a balanced budget except in a time of national emergency.

Since the 1974 fiscal year, the deficit in the federal budgeting process is estimated by the United States Office of Management and Budget to total \$256.1 billion or an average of over \$50 billion deficit annually. Percentagewise this is an average debt increase of over 12½% per year. *Put in perspective w/ most over 500 years at rate of how judges' budget.*

Small wonder it is that inflation has run rampant when one of the basic cause of inflation is government itself. Even the most recent budget message by President Carter on January 22, 1979 called for a planned deficit of \$29 billion.

This policy of neverending deficit has not only damaged the stability of our currency here in the United States but has caused great skepticism in foreign trade on the soundness of our dollar.

28.5 bil 1978 record.

Our nation's balance of payments deficit can be largely attributed to our weakened dollar.

Our states' constitutions requires sound fiscal management practices; we meet in legislative sessions with the constitutional mandate of a balanced state budget.

There is small reason to believe the same accomplishment cannot be expected from the federal legislative assembly.

One problem of concern to some people regarding a constitutional convention call is the matter of limiting the call to a specific subject. This question has been thoroughly and extensively researched by a special committee of the American Bar Association. The conclusion of that special committee's 1974 report is:

"Congress has the power to establish procedures governing the calling of a national Constitutional Convention limited to the subject matter on which the legislatures of two-thirds of the states request a convention."

Already ^{three} twenty-~~four~~ other states have adopted identical resolutions to congress; ten more states passing the same resolution will place congress in the position of having to act on the request.

Those states which have adopted the resolution are:

Alabama	Louisiana	Pennsylvania
Arizona	Maryland	South Carolina
Colorado	Mississippi	Texas
Delaware	Nebraska	Virginia
Florida	New Mexico	Wyoming
Georgia	North Dakota	and, most recently
	Oklahoma	Arkansas
	Oregon	North Carolina
		Tennessee
		Vermont

EFFECTS OF INFLATION

3 CASES IN THE LAST FIVE YEARS

1. A RETIRED PERSON

Per Month

January, 1973--\$300 private pension,
plus Social Security benefits.....\$ 470.00

September, 1978--Pension, plus increased
Social Security benefits.....\$ 545.30

Buying power of today's income in
January, 1973, dollars, after
adjusting for inflation.....\$ 354.09

LOSS IN BUYING POWER.....\$ 115.91
or 25%

2. BUYER OF U. S. SAVINGS BOND

Paid for bond in January, 1973.....\$ 75.00

Interest to date.....\$ 25.20

Cash value now.....\$ 100.20

Buying power in January, 1973, dollars
after adjusting for inflation.....\$ 65.06

LOSS IN BUYING POWER.....\$ 9.94
or 3%

3. AVERAGE PRIVATE WORKER (nonfarm, head of family of four)

Per Week

After-tax pay in 1973.....\$ 127.41

After-tax pay in July, 1978.....\$ 134.25

Buying power in 1973 dollars,
after adjusting for inflation.....\$ 124.66

LOSS IN BUYING POWER.....\$ 2.75
or 2%

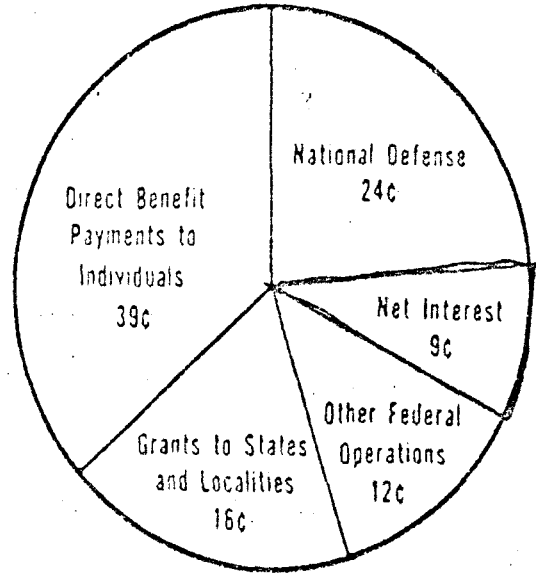
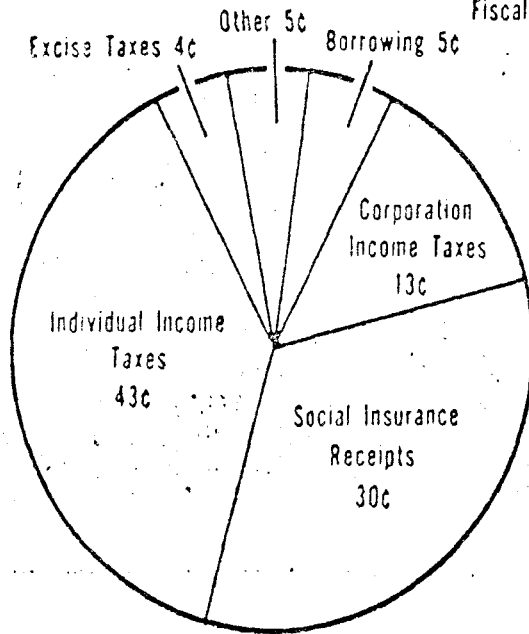
THE UNITED STATES OF AMERICA

The Budget Dollar

Where it comes from.

Where it goes.

Fiscal Year 1980 Estimate



City may buck state's orders for temporary sewage repairs

The city of Great Falls has been given until March 5 to temporarily repair a broken sewage main under the Missouri River, but City Manager Don Cherches has indicated the city may appeal the order.

A compliance order issued by the State Department of Health and Environmental Sciences Friday gives the city until March 5 to complete repairs in accordance with its plan submitted to the health department Jan. 15.

"Based on what we know it is reasonable to assume the city will seek judicial review, considering the financial impact and the lack of any long-term benefits," Cherches said.

Cherches will meet with city council

Cost of the repairs would be about \$150,000, according to Cherches.

Don Willems, chief of the Water Quality Bureau of the State Department of Health and Environmental Sciences, said the March 5 deadline is consistent with a time schedule proposed by Thomas, Dean and Hoskins, the engineering firm which last week submitted a series of plans for temporary repairs.

According to the firm's report, materials needed to repair the line could be delivered within 10 days after they were ordered, with actual construction requiring another 30 days.

The firm's spokesman, Peter

order is appealable if someone feels he is being treated unreasonably." The city has until Saturday to file an appeal in district court, he said.

The health department's order requires the city to submit progress reports on the temporary construction Feb. 2 and again Feb. 14.

The order does not spell out any penalties should the city fail to comply.

The city has been given until May 13 to permanently repair or replace the main, which is leaking about 4 million gallons of raw sewage into the river daily.

Cherches' spokesman, Peter Hickman, chief: "That is indeed what we have to do, leave in the spirit of cooperation."

2

THE QUESTION OF LIMITING THE SCOPE OF A NATIONAL
CONSTITUTIONAL CONVENTION AS STUDIED BY THE
SPECIAL CONSTITUTIONAL CONVENTION COMMITTEE OF THE
AMERICAN BAR ASSOCIATION

Background: The framers of the United States Constitution provided in Article V for two methods of proposing amendments; one, by two-thirds of both houses of Congress, or two, by a national convention called by Congress upon application of two-thirds of the states. As James Madison explained, Article V "equally enables the general and the state governments to originate the amendment of errors as they may be pointed out by the experience on one side or on the other."

Although the state legislatures of each of the states have petitioned Congress to call a convention to amend the Constitution, with applications totalling more than 300, a constitutional convention has not been held since 1787. Recent attention, however, has focused on the convention method because of the court decisions of the Sixties affecting apportionment of state legislatures. By 1967 legislatures in 32 states applied to Congress for a convention on the question of apportionment. The distinct possibility of a national convention sparked debate on the question of whether a convention, although called for the specific purpose of apportionment, could open up the entire document to proposed changes by the convention.

To answer this and other related questions regarding a constitutional convention, the American Bar Association decided in 1971 to create a special constitutional convention study committee. The committee, which released the results of its two-year study in 1974, consisted of two United States District judges, a judge of the Superior Court of the District of Columbia, a present and former law school dean, two past presidents of state constitutional conventions, a former Deputy Attorney General of the United States and a lawyer with considerable experience in the amendment process.

Conclusion of the Study: On the specific question of limiting the scope of a national convention, the committee concluded in its 1974 report that "Congress has the power to establish procedures governing the calling of a national constitutional convention limited to the subject matter on which the legislatures of two-thirds of the states request a convention."

Copies of this report are available at \$3.50 from the American Bar Association, Public Service Activities Division, Department A, 1155 East 60th Street, Chicago, Illinois 60637.

A PROPOSAL FOR AN AMENDMENT TO THE FEDERAL CONSTITUTION
REQUIRING A BALANCED BUDGET

Fiscal irresponsibility at the federal level is the greatest threat to our nation today. The federal debt has reached more than one-half trillion dollars, and the resulting inflation is destroying the dollar.

Every citizen has a stake in the value of the dollar. Its worth determines not only the purchasing power of the individual, but affects the future of our nation. Should our country collapse financially, democratic government as we know it will vanish. Further deterioration of the value of American currency on the international market could result in financial chaos for the whole world.

The average citizen stands defenseless against the federal bureaucracy in his desire to bring fiscal responsibility to government. Both the Congress and the President seem incapable of fiscal restraint. A constitutional amendment requiring a balanced federal budget may be the only course of action available to citizens.

The legislatures of the states should urge Congress to propose a constitutional amendment requiring a balanced budget as well as petition Congress to call a convention for this purpose. If enough states apply to Congress for a convention, Congress may be stirred to act on a balanced budget amendment. However, should Congress fail to act and two-thirds of the states request a convention, Congress can limit the scope of the convention to the purpose for which the convention was called. (See Amendment to the Constitution by the Convention Method Under Article V, Report of the Special Constitutional Convention Study Committee of the American Bar Association, 1974.)

The balanced budget amendment would require that the total annual appropriations by Congress not exceed estimated federal revenues, excluding those from borrowed sources. However, should a recession or some other national emergency arise, the amendment provides an out. If the President proclaims a national emergency and Congress concurs by a vote of two-thirds of the members of both houses, then deficit spending may be permitted.

Economists are blaming present inflation on the failure of the federal government to exercise discipline in spending since the early Sixties. Had the balanced budget amendment been in effect in the last decade, this country could have avoided runaway inflation and would be in a strong position to handle the emergency which is upon us today.

96TH CONGRESS
1ST SESSION

H. R. 84

To provide procedures for calling constitutional conventions for proposing amendments to the Constitution of the United States, on application of the legislatures of two-thirds of the States, pursuant to article V of the Constitution.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 15, 1979

Mr. McClosky introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To provide procedures for calling constitutional conventions for proposing amendments to the Constitution of the United States, on application of the legislatures of two-thirds of the States, pursuant to article V of the Constitution.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That this Act may be cited as the "Federal Constitution
4 Convention Amendment Act".

5 APPLICATIONS FOR CONSTITUTIONAL CONVENTION

6 SEC. 2. The legislature of a State, in making application
7 to the Congress for a constitutional convention under article

1 V of the Constitution of the United States, shall adopt a reso-
2 lution pursuant to this Act stating, in substance, that the
3 legislature requests the calling of a convention for the pur-
4 pose of proposing one or more amendments to the Constitu-
5 tion of the United States and stating the nature of the
6 amendment or amendments to be proposed.

7 APPLICATION PROCEDURE

8 SEC. 3. (a) For the purpose of adopting or rescinding a
9 resolution pursuant to section 2, the State legislature shall
10 follow the rules of procedure that govern the enactment of a
11 statute by that legislature, but without the need for approval
12 of the legislature's action by the governor of the State.

13 (b) Questions concerning the State legislature procedure
14 and the validity of the adoption of a State resolution cogniza-
15 ble under this Act shall be determinable by the Congress of
16 the United States and its decisions thereon shall be binding
17 on all others, including State and Federal courts.

18 TRANSMITTAL OF APPLICATIONS

19 SEC. 4. (a) Within thirty days after the adoption by the
20 legislature of a State of a resolution to apply for the calling of
21 a constitutional convention, the secretary of state of the
22 State, or if there be no such officer, the person who is
23 charged by the State law with such function, shall transmit
24 to the Congress of the United States two copies of the appli-

EFFECTIVE PERIOD OF APPLICATIONS

SEC. 5. (a) An application submitted to the Congress by a State pursuant to this Act, unless sooner rescinded by the State legislature, shall remain effective for seven calendar years after the date it is received by the Congress, except that whenever the Congress determines that within a period of seven calendar years two-thirds or more of the several States have each submitted a valid application calling for a constitutional convention on the same subject all such applications shall remain in effect until the Congress has taken action on a concurrent resolution, pursuant to section 8, calling for a constitutional convention.

(b) A State may rescind its application calling for a constitutional convention by adopting and transmitting to the Congress a resolution of rescission in conformity with the procedure specified in sections 3 and 4, except that no such rescission shall be effective as to any valid application made for a constitutional convention upon any subject after the date on which two-thirds or more of the State legislatures have valid applications pending before the Congress seeking amendments on the same subject.

(c) Questions concerning the rescission of a State's application shall be determined solely by the Congress of the United States and its decisions shall be binding on all others, including State and Federal courts.

1 CALLING OF A CONSTITUTIONAL CONVENTION

2 SEC. 6. (a) It shall be the duty of the Secretary of the
3 Senate and the Clerk of the House of Representatives to
4 maintain a record of all applications received by the Presi-
5 dent of the Senate and Speaker of the House of Representa-
6 tives from States for the calling of a constitutional convention
7 upon each subject. Whenever the Secretary or the Clerk has
8 reason to believe that valid applications made by two-thirds
9 or more of the States with respect to the same subject are in
10 effect, he shall so report in writing to the officer to whom
11 those applications were transmitted, and such officer there-
12 upon shall announce upon the floor of the House of which he
13 is an officer the substance of such report. Pursuant to such
14 rules as such House may adopt, it shall be the duty of such
15 House to determine whether the recitation contained in any
16 such report is correct. If either House of the Congress deter-
17 mines, upon a consideration of any such report or of a
18 concurrent resolution agreed to by the other House of the
19 Congress, that there are in effect valid applications made by
20 two-thirds or more of the States for the calling of a constitu-
21 tional convention upon the same subject, it shall be the duty
22 of that House to agree to a concurrent resolution calling for
23 the convening of a Federal constitutional convention upon
24 that subject. Each such concurrent resolution shall (1) desig-
25 nate the place and time of meeting of the convention; (2) set

1 forth the nature of the amendment or amendments for the
2 consideration of which the convention is called; and (3) au-
3 thorize the appropriation of moneys for the payment of all
4 expenses of the convention, including the compensation of
5 delegates and employees. A copy of each such concurrent
6 resolution agreed to by both Houses of the Congress shall be
7 transmitted forthwith to the presiding officer of each House
8 of the Legislature of each State.

9 (b) The convention shall be convened not later than one
10 year after the adoption of the resolution.

11 DELEGATES

12 SEC. 7. (a) A convention called under this Act shall be
13 composed of as many delegates from each State as it is enti-
14 tled to Senators and Representatives in Congress. In each
15 State two delegates shall be elected at large and one delegate
16 shall be elected from each Congressional district in the
17 manner provided by State law. Any vacancy occurring in a
18 State delegation shall be filled by appointment of the Gover-
19 nor of that State.

20 (b) The secretary of state of each State, or, if there be
21 no such officer, the person charged by State law to perform
22 such function shall certify to the Vice President of the United
23 States the name of each delegate elected or appointed by the
24 Governor pursuant to this section.

1 (c) Delegates shall in all cases, except treason, felony,
2 and breach of the peace, be privileged from arrest during
3 their attendance at a session of the convention, and in going
4 to and returning from the same; and for any speech or debate
5 in the convention they shall not be questioned in any other
6 place.

7 (d) Each delegate shall receive compensation for each
8 day of service and shall be compensated for traveling and
9 related expenses. Provision shall be made therefore in the
10 concurrent resolution calling the convention. The convention
11 shall fix the compensation of employees of the convention.

12 CONVENING THE CONVENTION

13 SEC. 8. (a) the Vice President of the United States shall
14 convene the constitutional convention. He shall administer
15 the oath of office of the delegates to the convention and shall
16 preside until the delegates elect a presiding officer who shall
17 preside thereafter. Before taking his seat each delegate shall
18 subscribe an oath not to attempt to change or alter any sec-
19 tion, clause or article of the Constitution or propose additions
20 thereto except in conformity with the concurrent resolution
21 calling the convention. Upon the election of permanent offi-
22 cers of the convention, the names of such officers shall be
23 transmitted to the President of the Senate and the Speaker of
24 the House of Representatives by the elected presiding officer
25 of the convention. Further proceedings of the convention

1 shall be conducted in accordance with such rules, not incon-
2 sistent with this Act, as the convention may adopt.

3 (b) The Congress shall appropriate moneys for the pay-
4 ment of all expenses of the convention.

5 (c) Under such regulations as the President shall pre-
6 scribe, the Administrator of General Services shall provide
7 such facilities, and each executive department and agency
8 shall provide such information, as the convention may re-
9 quire, upon written request made by the elected presiding
10 officer of the convention.

11 PROCEDURES OF THE CONVENTION

12 SEC. 9. (a) In voting on any question before the conven-
13 tion, including the proposal of amendments, each delegate
14 shall have one vote.

15 (b) The convention shall keep a daily verbatim record of
16 its proceedings and publish the same. The votes of the dele-
17 gates on any question shall be entered on the record.

18 (c) The convention shall terminate its proceedings
19 within one year after the date of its first meeting unless the
20 period is extended by the Congress by concurrent resolution.

21 (d) Within thirty days after the termination of the pro-
22 ceedings of the convention, the presiding officer shall trans-
23 mit to the Archivist of the United States all records of official
24 proceedings of the convention.

1 PROPOSAL OF AMENDMENTS

2 SEC. 10. (a) Except as provided in subsection (b) of this
3 section, a convention called under this Act may propose
4 amendments to the Constitution by a vote of a majority of the
5 total number of delegates to the convention.

6 (b) No convention called under this Act may propose
7 any amendment or amendments of a general nature different
8 from that stated in the concurrent resolution calling the con-
9 vention. Questions arising under this subsection shall be de-
10 termined solely by the Congress of the United States and its
11 decisions shall be binding on all others, including state and
12 Federal courts.

13 APPROVAL BY THE CONGRESS AND TRANSMITTAL TO THE
14 STATES FOR RATIFICATION

15 SEC. 11. (a) The presiding officer of the convention
16 shall, within thirty days after the termination of its proceed-
17 ings, submit the exact text of any amendment or amendments
18 agreed upon by the convention to the Congress for approval
19 and transmittal to the several States for their ratification.

20 (b) The Congress, before the expiration of the first
21 period of three months of continuous session following receipt
22 of any proposed amendment, shall, by concurrent resolution,
23 transmit such proposed amendment to the States for ratifica-
24 tion, prescribing the time within which such amendment shall
25 be ratified or deemed inoperative and the manner in which

1 such amendment shall be ratified in accordance with article V
2 of the Constitution: *Provided*, That, within such period, the
3 Congress may, by concurrent resolution, disapprove the sub-
4 mission of the proposed amendment to the States for ratifica-
5 tion on the ground that its general nature is different from
6 that stated in the concurrent resolution calling the convention
7 or that the proposal of the amendment by the convention was
8 not in conformity with the provisions of this Act: *Provided*
9 *further*, That the Congress shall not disapprove the submis-
10 sion of a proposed amendment for ratification by the States
11 because of its substantive provisions.

12 (c) If, upon the expiration of the period prescribed in the
13 preceding subsection, the Congress has not adopted a concur-
14 rent resolution transmitting or disapproving the transmittal of
15 a proposed amendment to the States for ratification, the
16 President of the Senate and the Speaker of the House of
17 Representatives, acting jointly, shall transmit such proposed
18 amendment to the Administrator of General Services for sub-
19 mission to the States. The Administrator of General Services
20 shall transmit exact copies of the same, together with his
21 certification thereof, to the legislatures of the several States.



PENNSYLVANIA AVENUE, SOUTHEAST

WASHINGTON, DISTRICT OF COLUMBIA 20003

TELEPHONE (202) 543-1300

WHY THE RESOLUTION TO BALANCE THE FEDERAL BUDGET NEEDS TO BE PASSED

Perhaps the Democratic Research Organization said it best in their Congressional testimony, "Deficits casue inflation, inflation causes un-employment, therefore we concluded deficits cause unemployment".

An overwhelming number of economists agree and have stated that not having a balanced budget actually increases the money supply, thus creating more dollars to chase the same number of goods and services. There can only be one result to this equation...higher prices.

Additionally, we have now reached a point where just the interest on our National Debt threatens to eat us alive. Consider: Just the interest on the debt will exceed \$80 billion in 1980. We spend more on interest than we do on the departments of Agriculture, Veterans Administration, Labor, and all Presidential Funds combined.

This means the average family of four pays about \$1,000 a year in just interest. Also consider that debt in America now is equal to about 40% of our total G.N.P. If the trend continues we must reach a point where we are debt heavy...and there can only be one consequence...considering that the net capital generating capacity of the U.S. is about \$100 billion and the service charge on debt is estimated to top that figure in 1983. In short, the cost of the debt will be larger than our capacity to pay the interest!

BUT, DO WE REALLY NEED A CONSTITUTIONAL CONVENTION??

A recent statewide poll conducted by the major newspaper chain showed 76% on Montanans support the idea of a balanced Federal budget. But the real question is, do we need to go to the extent of calling a convention?

Yes, simply beacuse the current status quo is not functioning and the effort to balance the budget is being blocked by spend-thrift politicians. This is not idle talk...last year 155 Congressman and 27 Senators proposed legislation calling for this resolution...and they couldn't even get a hearing. When Congress refuses to act, then, state legislatures can be effective in getting the job done.

AND, ARE THERE ADEQUATE SAFEGUARDS TO THE RESOLUTION?

The resolution in question is drafted so that it is limited to just the question of balancing the budget. If more than that is discussed, or passed on, the convention self destructs. The American Bar Association, Constitutional authority Sam Ervin and Attorney Griffin Bell all agree the convention can be limited to one single issue.

What's more there have been over 200 state conventions called in our history, all of which were limited. This is solid precedent. There have been four changes in our Constitution instigated by the call for a convention...the call works beacuse it is safe in that regardless of what is done at the convention it still must be ratified by the states.

A vote for this resolution is a vote against inflation, higher taxes and the spend-thrift policies that have cost us so dearly.



JAMES W. MURRY
EXECUTIVE SECRETARY

Box 1176, Helena, Montana

ZIP CODE 59601

TESTIMONY OF JAMES W. MURRY, EXECUTIVE SECRETARY OF THE MONTANA STATE AFL-CIO,
BEFORE THE SENATE STATE ADMINISTRATION COMMITTEE, ON HOUSE JOINT RESOLUTION 3,
MARCH 10, 1979

THIS COMMITTEE IS FACED WITH NOTHING LESS THAN THE AWESOME DECISION OF CALLING
FOR A SECOND CONSTITUTIONAL CONVENTION TO BALANCE THE FEDERAL BUDGET. CLEARLY,
THE ISSUE HOUSE JOINT RESOLUTION 3 POSES IS AMONG THE MOST CRUCIAL CONFRONTING
THIS LEGISLATURE.

THERE IS NO WAY OF PREDETERMINING THE PROPORTION OF THE \$418 MILLION IN
FEDERAL-FUNDED STATE AND LOCAL AID THAT WOULD BE SLASHED FROM 16 MAJOR PROGRAMS
IF THE ACTION TO BALANCE THE FEDERAL BUDGET OCCURS IN 1980.

WHAT PROPORTION, FOR EXAMPLE, OF THE \$96 MILLION ALLOTTED TO THE MONTANA HIGHWAY
TRUST FUND WILL BE CUT BY A GROUP OF DELEGATES 2,400 MILES AWAY? OR OF THE \$38
MILLION IN AGRICULTURAL GRANT FUNDS FOR OUR FAMILY FARMERS; THE \$11 MILLION IN
COMMUNITY DEVELOPMENT FUNDS; THE \$24 MILLION IN REVENUE-SHARING FUNDS; OR OF
THE \$38 MILLION IN MEDICAID FOR THE POOR AND ELDERLY; THE \$16 MILLION IN EDUCATION
FUNDS?

50 TO 60% OF LOCAL FUNDS, SAYS HOUSE SPEAKER THOMAS O'NEILL, COME FROM THE
FEDERAL GOVERNMENT. WITHOUT SUCH FEDERAL FUNDING, MOST STATES, INCLUDING MONTANA,
WOULD FACE ENORMOUS DEFICITS. IT WOULD FORCE THE CHOICE OF EITHER INCREASING
STATE AND LOCAL TAXES TO MAINTAIN ESSENTIAL PROGRAMS-- OR TO SIMPLY ELIMINATE THEM
RAISING TAXES DURING A TIME OF NATIONAL TAX AWARENESS AND STATEWIDE AUSTERITY
WILL ONLY SERVE TO COMPOUND UNJUST HARDSHIP ON THE POOR, THE ELDERLY, THE
UNEMPLOYED, THE WIDOWED, THOSE ON FIXED INCOMES, AND ALL TAXPAYERS.

BUT THE SCHEME OF DRUMMING UP A CONSTITUTIONAL CONVENTION TO BALANCE THE FEDERAL BUDGET IS MOSTLY AUTHORED BY THOSE WHO FEEL THE FEDERAL DEFICIT HAS BEEN THE CAUSE OF MOST OF THE ECONOMIC ILLS OF THIS COUNTRY, INCLUDING INFLATION. THAT'S SIMPLY NOT SO.

INFLATION ISN'T CAUSED BY FEDERAL FUNDING TO STATES, OR BY ANY NATURAL MYSTERY. IT'S CAUSED BY PEOPLE WHO PROFIT FROM IT. MEATLOAF IS A LOT MORE EXPENSIVE THAN IT USED TO BE. YACHTS AREN'T.

STATISTICS FROM THE BUREAU OF LABOR SHOW THAT PRICES FOR THE FOUR BASIC LIVING NECESSITIES OF FOOD, ENERGY, HOUSING, AND HEALTH CARE HAVE SKYROCKETED AT A MUCH FASTER RATE THAN NON-NECESSITIES. FOUR OUT OF FIVE AMERICANS SPEND NEARLY 70% OF THEIR AFTER-TAX INCOME ON JUST LIVING, AND ROUGHLY 30% ON LUXURIES.

IT IS THE PROFITS ON BASIC NECESSITIES MADE BY LARGE CORPORATIONS AND BIG BUSINESS THAT HAVE DIRECTLY CONTRIBUTED TO INFLATION.

ACCORDING TO THE FEDERAL TRADE COMMISSION, DRUG COMPANY PROFITS SOARED BY 218.2% IN 1977, WHILE AVERAGE MANUFACTURING PROFITS ROSE BY 14.2%. WHILE DOCTORS' FEES HAVE RISEN MUCH FASTER THAN THE COST OF LIVING, PAY FOR NURSES AND OTHER HOSPITAL WORKERS BARELY KEPT PACE. THE AVERAGE DOCTOR IN 1976, EARNED \$63,000.

THE FOOD INDUSTRY IS CRUNCHING THE CONSUMER AND THE FAMILY FARMER.. WHILE FOOD PRICES WENT UP 67% DURING THE PERIOD BETWEEN 1970 AND 1977, AFTER-TAX PROFITS IN FOOD MARKETING ROSE OVER TWICE AS FAST AT 150%! YET FARMERS DID NOT CAUSE THE INFLATION RATE. THE AVERAGE FARMER EARNED ONLY 3¢ FOR EVERY DOLLAR PAID FOR BREAD. WORKERS IN THE FOOD INDUSTRY DID NOT CAUSE INFLATION. IN THE PERIOD BETWEEN 1970 AND 1977, THEIR HOURLY WAGES DIDN'T EVEN KEEP UP WITH THE INCREASE IN THE FOOD MARKETING BILL.

GAS AND ELECTRIC RATES INCREASED 69% DURING THE 1973 TO 1979 PERIOD. ENERGY PRICES ROSE 99%-- MORE THAN TWICE AS MUCH AS NON-NECESSITIES. LAST WINTER, ONE OUT OF FIVE OLDER AMERICANS HAD TO CHOOSE BETWEEN BUYING GROCERIES AND PAYING THE UTILITY BILL.

PROFITS OF THE NINE LARGEST OIL COMPANIES DOUBLED BETWEEN 1970 AND 1977, FROM \$4.5 BILLION, TO \$9 BILLION. THE EIGHT LARGEST OIL COMPANIES CONTROL 50% OF DOMESTIC OIL PRODUCTION, 40% OF NATURAL GAS, AND INCREASING AMOUNTS OF COAL, URANIUM, AND ALTERNATIVE FUELS. TO ARGUE THAT REDUCING THE MINIMUM WAGE OR INCREASING EMPLOYMENT OR REDUCING FEDERAL FUNDING TO STATES WILL HOLD DOWN GASOLINE PRICES OR UTILITY RATES IS ECONOMIC NONSENSE.

PROFITS WERE SIMILARLY OBSERVED IN THE HOUSING INDUSTRY. THE PRICE OF AN AVERAGE NEW HOUSE MORE THAN DOUBLED BETWEEN 1970 AND 1977 -- AN INCREASE OF 109%. WHILE LAND PRICES AND MORTGAGE RATES INCREASED IN SIMILAR ASTRONOMICAL FASHION, LABOR COSTS ACTUALLY DECREASED BY 8% AS A COMPONENT OF HOME CONSTRUCTION COSTS.

IN CASE I'VE OVERSTEPPED MY ALLOTTED TIME BY CITING THESE STATISTICS, I DO SO ONLY TO ILLUSTRATE THAT CALLING A CONSTITUTIONAL CONVENTION TO BALANCE THE FEDERAL BUDGET WILL NOT BALANCE PROFITS BY LARGE INDUSTRIES WHICH SAP THE BUYING POWER OF OUR DOLLARS.

CUTTING TRULY WASTEFUL GOVERNMENT SPENDING MAKES SENSE ON ITS OWN MERITS, BUT IT WON'T AFFECT THE PRICE OF OIL, THE DOCTOR BILL, OR THE MEATLOAF.

FURTHERMORE, THE COST OF ELECTIONEERING, SELECTING DELEGATES, PROCESSING CHALLENGES PAYING DELEGATES, ESTABLISHING CONVENTION PROCEDURES, AND THE LIKE, MAY WELL EXCEED THE COST OF BALANCING THE FEDERAL BUDGET, AND THAT COST WILL BE BORNE BY THE TAXPAYER. FOR THESE REASONS, MR. CHAIRMAN. THE MONTANA STATE AFL-CIO OPPOSES HOUSE JOINT RESOLUTION 3.

AMENDMENTS TO HOUSE BILL NO. 567
Representative Magone

1. Title, line 8.

Following: "4 YEARS"

Insert: "AND TO CHANGE THE TERM OF OFFICE OF A MEMBER OF THE MONTANA
SENATE FROM 4 YEARS TO 6 YEARS"

2. Page 1, line 14.

Following: "years"

Insert: "shall be elected for a term of 4 years"

3. Page 1, line 16.

Following: line 15

Strike: "four"

Insert: "six"

4. Page 1, line 17.

Following: "the"

Strike: "senators and"

5. Page 1, line 18.

Following: "years"

Insert: ", and one-half of the senators shall be elected every
three-years"

6. Page 1, line 25.

Following: "representatives"

Insert: "and a 6-year term for a member of the senate"

7. Page 2, line 2.

Following: "representatives"

Insert: "and a 6-year term for a member of the senate"

HOUSE BILL NO. 350

Introduced by Vincent

A BILL FOR AN ACT ENTITLED: "AN ACT TO ADOPT A CODE OF FAIR CAMPAIGN PRACTICES AND TO PROVIDE AN OPPORTUNITY FOR ALL CANDIDATES TO SUBSCRIBE TO THAT CODE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Adoption of code of fair campaign practices. The following code of fair campaign practices is adopted by Montana:

There are basic principles of decency, honesty, and fair play that every candidate for public office in the United States has a moral obligation to observe and uphold, in order that, after vigorously contested but fairly conducted campaigns, our citizens may exercise their constitutional right to a free and untrammelled choice and the will of the people may be fully and clearly expressed on the issues before the country. Therefore:

I will conduct my campaign in the best American tradition, discussing the issues as I see them, presenting my record and policies with sincerity and frankness, and criticizing without fear or favor the record and policies of my opponent and his party which merit such criticism.

I will defend and uphold the right of every qualified American voter to full and equal participation in the electoral process.

I will conduct my campaign without the use of personal vilification, character defamation, whispering campaigns, libel, slander or scurrilous attacks on my opposition, his personal or family life.

I will not use campaign material of any sort which misrepresents,

distorts, or otherwise falsifies the facts, nor will I use malicious or unfounded accusations which aim at creating or exploiting doubts, without justification, as to the loyalty and patriotism of my opposition.

I will not make any appeal to prejudice based on race, sex, creed or national origin.

I will not undertake or condone any dishonest or unethical practice which tends to corrupt or undermine our American system of free elections or which hampers or prevents the full and free expression of the will of the voters.

Insofar as is possible, I will immediately and publicly repudiate support deriving from any individual or group which resorts, on behalf of my candidacy or in opposition to that of my opponent, to the methods and tactics that I have pledged not to use or condone.

Section 2. Candidates to be given opportunity to subscribe to campaign practices code--publicity. (1) The commissioner of campaign practices shall prepare a form which contains the code of fair campaign practices provided for in (section 1) and a place for a candidate to sign the form and to indicate that the candidate endorses, subscribes to, and pledges to abide by the code.

(2) Each candidate required to file statements or reports with the commissioner shall be sent a copy of this form. Signing the form is voluntary, and a failure or refusal to sign is not a violation of the election laws. A form shall be sent for each election as soon as feasible. The signed form shall be returned to the commissioner.

(3) The commissioner shall supply the secretary of state, the county registrars, and the city and town clerks with forms. Any

candidate not required to file with the commissioner but wishing to subscribe to the code may obtain the form from the commissioner, the secretary of state, a county registrar, or a city and town clerk and may sign the form and deliver it to the commissioner.

~~(4) The commissioner shall publicize the code and its contents and shall inform the public of the names of all candidates who have signed the form and subscribe to the code.~~

-End-

Proposed Amendments to HB 350
Representative Vincent

1. Page 1, line 20.

Following: "I"

Strike: "shall"

Insert: "will"

2. Page 1, line 25.

Following: "I"

Strike: "shall"

Insert: "will"

3. Page 2, line 3.

Following: "I"

Strike: "shall condemn"

Insert: "will conduct my campaign without"

4. Page 2, line 5.

Following: "on"

Strike: "any candidate on"

Insert: "my opposition"

5. Page 2, line 7.

Following: "I"

Strike: "shall condemn the use of"

Insert: "will not use"

6. Page 2, line 9.

Following: "Facts"

Strike: "regarding any candidate, as well as the use of"

Insert: "nor will I use"

7. Page 2, line 10.

Following: "accusations"

Strike: "against any candidate"

8. Page 2, line 12.

Following: "as to"

Strike: "his"

Insert: "the"

Following: "patriotism"

Insert: "of my opposition"

9. Page 2, line 13.

Following: "I"

Strike: "shall condemn"

Insert: "will not make"

10. Page 2, line 15.

Following: "I"

Strike: "shall condemn"

Insert: "will not undertake or condone"

11. Page 2, line 19.

Following: line 18

Strike: "I shall"

Insert: "Insofar as is possible I will"

12. Page 2, line 22.

Following: "condemn"

Insert: "have pledged not to use or condone"

MR. CHAIRMAN, MEMBERS OF THE COMMITTEE, MY NAME IS
ROBERT FREDERICO AND I AM A PROPONENT OF HJR-19.

I AM FROM BILLINGS AND COME FROM A COMMUNITY OF THE ^{one} +
LARGEST CONCENTRATION OF MEXICAN-AMERICANS IN THE STATE/

HOUSE JOINT RESOLUTION NINETEEN

IT REQUESTS THE DEPARTMENT OF COMMUNITY AFFAIRS TO EMPLOY
STAFF PERSONNEL AND RESOURCES TO

UNDERTAKE A THOROUGH STUDY OF THE PROBLEMS AFFECTING THE
THE CITIZENS OF MONTANA WHO ARE OF MEXICAN-AMERICAN
HERITAGE AND

THAT THIS STUDY, BY AN ADVISORY BOARD MADE UP OF
ESTABLISHED MEXICAN-AMERICAN ORGANIZATIONS IN THE STATE
OF MONTANA.

REASONS

1. THERE ARE CONDITIONS HINDERING AND RETARDING ECONOMIC
DEVELOPMENT, UNDER-EMPLOYMENT, UNEMPLOYMENT, EDUCATIONAL
DEVELOPMENT AND EMPLOYMENT OPPORTUNITIES.

THE STUDY WOULD ATTEMPT TO ISOLATE THESE CONDITIONS AND
REPORT THEM.

2. THERE WOULD BE A MECHANISM TO ALLOW BOTH GOVERNMENT
AND THE PRIVATE SECTOR TO BECOME AWARE OF THE ABOVE
CONDITIONS.

3. THERE WOULD BE A CONCERT EFFORT TO BEGIN ELIMINATING
THE FACTORS THAT CONTRIBUTE SOCIAL AND ECONOMIC CONDITIONS.

4. THE FOLLOWING TESTIMONIES GIVE INDICATORS THAT
PROBLEMS EXIST OR WILL EXIST. THEY ARE:

MR. CHAIRMAN, MEMBERS OF THE COMMITTEE, MY NAME IS

JOHN SALAZAR. I AM FROM Mike City Mont.

AND AM A PROPONENT OF HJR-19.

ACCELERATED GROWTH

IN 1960, THERE WERE 6000 MEXICAN-AMERICANS REPORTED
LIVING IN MONTANA. OVER 2000 IN YELLOWSTONE COUNTY ALONE.

IN 1970, THERE WERE 10,000 MEXICAN-AMERICANS LIVING IN
MONTANA. OVER 3000 IN YELLOWSTONE COUNTY ALONE.

IN 1980, IT IS ESTIMATED THAT OVER 15,000 MEXICAN-AMERICANS
WILL RESIDE IN MONTANA. OVER 4000 WILL LIVE IN THE
YELLOWSTONE DRAINAGE ALONE.

IN ADDITION, OVER 10,000 MIGRANTS ENTER MONTANA DURING
A 6 TO 8 WEEK PERIOD.

POPULATION INCREASE IS A REAL CONCERN. WITH POPULATION
INCREASES COME PROBLEMS WITH EMPLOYMENT, HEALTH,
SOCIAL SERVICE, EDUCATION AND THE LIKE.

John C. Salazar

MR. CHAIRMAN, MEMBERS OF THE COMMITTEE, MY NAME IS
Esther Perez Hoffman. I AM FROM El Paso
AND AM A PROPONENT OF HJ-19.

WE SEEM TO BE A NEGLECTED MINORITY

IT SEEMS THAT STATE AND LOCAL INSTITUTIONS DO NOT TAKE
THE ~~MEXICAN~~ AMERICAN CONDITIONS AS A SERIOUS PROBLEM.
WHEN WE MAKE OBSERVATION IN EDUCATIONAL INSTITUTIONS AND
CANNOT SUBSTANTIATE OUR CLAIMS OF THE HIGH DROP OUT RATE,
THE INSTITUTION JUST ACKNOWLEDGES OUR CONCERNS BUT DOES NOT
MOVE TOWARD ACTION.

THE PROBLEM IS THAT WE LACK THE AUTHORITY OF A SCIENTIFIC
REPORT FILLED WITH DATA THAT CAN SUBSTANTIATE THE CLAIMS.

Esther Perez Hoffman

Angie Cormier

MR. CHAIRMAN, MEMBERS OF THE COMMITTEE, MY NAME IS

Angie Cormier. I AM FROM *Elgin*

AND AM A PROPONENT OF HJR-19.

EMPLOYMENT

NEW LAWS MAKE IT DIFFICULT TO OBTAIN ACCURATE INFORMATION.

EXAMPLE:

FISCAL YEAR 1978

PROJECTED RATE OF UNEMPLOYMENT IN MONTANA

6.7% AMONG "WHITE"

19.8% AMONG NON-WHITES

LOCALLY IN BILLINGS

5.9% "WHITE"

11.7% "NON-WHITE"

INTERESTINGLY, UNEMPLOYED ~~INCLUDES MEXICAN-AMERICAN~~ ^{Hispanics included} IN "WHITE"

CATEGORY. UNQUESTIONABLY THE PERCENTAGE FOR "WHITE" POPULATION

WOULD BE SMALLER. HOWEVER, IN A MANPOWER INFORMATION REPORT

1975=1976, BASED ON THE 1970 CENSUS NOTES, UNEMPLOYMENT IN

YELLOWSTONE COUNTY WAS 5.3%; 7.3% UNEMPLOYMENT FOR

SPANISH-SURNAMED WORKERS. ^{But even so, more} SINCE MEXICAN-AMERICAN FAMILIES

DO NOT HAVE RECOGNIZABLY "SPANISH SURNAMES", ^{true} THE REAL UNEMPLOY-

MENT RATE WAS PROBABLY EVEN GREATER. RESEARCHER COULD PULL

OUT ADDITIONAL INFORMATION.

SOME ~~EXAMPLES ARE:~~ DURAN, CAYLON, MARCOS, CHARLES

Angie Cormier

Elge

Proposition HJR-19

Address ~~issue~~ ^{the need for} from & of Educational Needs

Teach HIC - full of B. of my students as minority
a majority are. of Hispanic descent, etc.

Elge - that's after the same full that figures on enrollment
about 70% of Span. S. children
who begin 1st grade - do not graduate.

WHY?

For the ^{benefit} of the minorities I want
and why - so we can start to do something
about it.

MR. CHAIRMAN, MEMBERS OF THE COMMITTEE, MY NAME IS Edith

Penelope Hoffman I AM FROM Billings - AND AM
A PROPONENT OF HJR-19.

AFFIRMATIVE ACTION PROGRAM

IS PROBABLY HELPFUL TO NATIVE AMERICAN AND BLACK, FOR
EXAMPLE, UNIVERSITIES AND PRIVATE ACADEMIC INSTITUTIONS
HAVE EITHER NATIVE AMERICAN OR BLACK STUDIES. NONE HAVE
CULTURAL STUDIES FOR MEXICANS WHO HAPPEN TO BE THE
SECOND LARGEST MINORITY IN MONTANA. NEEDLESS TO SAY,
AFFIRMATIVE ACTION PROGRAMS ARE NOT ORIENTED TOWARDS
HISPANICS AND OFTEN OVER-LOOKED STATISTICALLY AS A PART-
OF THE "WHITE" POPULATION,

Edith Penelope Hoffman

Mr. CHARIMAN, MEMBERS OF THE COMMITTEE, MY NAME IS _____
_____. I AM FROM _____ AND AM A
PROPONENT OF HJR-19.

WE BELIEVE THESE INDICATORS OF PROBLEM AREAS ARE GROUNDS
FOR A SCIENTIFIC STUDY.

1. ACCELERATE GROWTH--INCREASES *John Salter*
2. NEGLECTED MINORITY-- NOT AUTHORIZED *Esther*
3. EMPLOYMENT-- DATA DIFFICULT TO OBTAIN *Amor*
4. AFFIRMATIVE ACTION PROGRAM-- NOT DESIGNED FOR MEXICAN- *Esther*
AMERICANS
5. ~~POLICE ENCOUNTERS~~-- RATE UNKNOWN *Amor*
Education

PLEASE KEEP IN MIND THAT THIS RESOLUTION DOES NOT CALL *any*
FOR STATE FUNDING. IT JUST SUGGESTS AND AUTHORIZES THE
DEPARTMENT OF COMMUNITY AFFAIRS TO SEEK FUNDING FOR A
STUDY OF THE HISPANIC IN THE STATE OF MONTANA AND IS ASSISTED
BY AN ADVISORY GROUP OF HISPANICS.

WE URGE YOU TO VOTE A "DO" PASS RECOMMENDATION.

*Submitting the testimony — for those —
who could not attend.*

March 9, 1979

Senator Pete Story, Chairman
Senate State Administration Committee
Capitol Station
Helena, MT 59601

Dear Senator Story:

As the President of the Montana Human Resources Development Council Directors Association, Inc., I am in full support of HJR-19.

In the Yellowstone drainage area, particularly in Billings, Mexican-Americans comprise a substantial minority group. The public has become aware that this group exists; however, the public is not aware of the effects the alarming rate of population increases of Mexican-Americans have in the state of Montana.

As you are well aware, population increases and planning must be seriously considered together if Montana is going to meet the needs of its residents.

The time for action is now unquestionable. Determining the degree of problems today is a responsible act of prevention for problems of greater degree tomorrow.

I urge your support for HJR-19.

Sincerely,



Carl B. Visser, President
Montana HRDC Directors Association, Inc.

CBV/gk

March 9, 1979

Senator Pete Storty, Chairman
Senate State Administration Committee
Capitol Station
Helena, MT 59601

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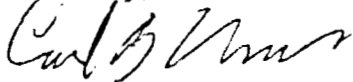
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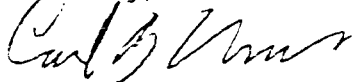
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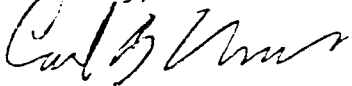
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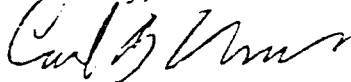
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Sincerely,



Carl B. Visser, President
Montana HRDC Directors Association, Inc.

CBV/gk

February 8, 1979

To Whom it May Concern:

We, the undersigned, do give our support to House Joint Resolution 19.

Stephen W. Griffo, 19 Buchanan, Blgs
D. J. Jones 301 So 26th Blgs

Lorne Ophien 1131 77 31st, Blgs.
John Taylor 415 Highland Pl. Blgs

Mr. Harold Merchant-Orde 210 So 34th, Billings, Mt.
Sandy Fjelstad 4650 Box Canyon Blgs, MT
Paul Kline 1120 1st Avenue Blgs

Alma Tellez 503 So. 31 Blgs.
Shirley Bayers 4329 Ryan Ave. Blgs
Joe Kiala Jr 224 1/2 Ave E Blgs
Jim Paulsen 3050 Boulder ave Billings



Eastern Montana College

BILLINGS, MONTANA 59101

20 February 1979

Representative Wes Teague
Montana State Legislature
Helena, Montana

Dear Sir:

This is a brief letter in support of House Joint Resolution 19. As you are aware, Hispanics are the second largest minority in Montana and one of the fastest-growing minorities in the U.S. The rapid population increase is leading to increased problems in employment, education, and related areas including human services needs. At the same time, Hispanics themselves are trying to become more responsible to meet the needs of such "future shock." In order to be able to respond, however, up-to-date information--call it data, if you will--is a prime requirement and only fragmentary and unintegrated information is available at the present time. The need for the type of study called for in HJR 19 is unquestionable.

Sincerely,

A handwritten signature in cursive script that reads "C. Adrian Heidenreich". The signature is fluid and stylized, with a large initial "C" and a long, sweeping underline.

C. Adrian Heidenreich
Assistant Professor & Acting Coordinator
Native American Studies



CITY OF BILLINGS

R. L. LARSEN
CITY ADMINISTRATOR

220 NORTH 27TH STREET
P. O. BOX 1178
BILLINGS, MONTANA 59103
PHONE (406) 248-7511

TO WHOM IT MAY CONCERN:

As the City Administrator for the City of Billings, I strongly support HJR 19 and feel that such a study contemplated in this legislation is not only needed but is long overdue.

In Billings and the surrounding area, Mexican-Americans represent a substantial minority group. Yet there is a woeful lack of data available concerning their problems and needs which makes it very difficult for those in government and the private sector to address these concerns.

There is some data available such as the percentage of Mexican-Americans in the total population, work force, drop out rates in schools but this data does nothing more than given indicators. Further, the little data that is available is based on the 1970 population and in areas of rapid growth such as Billings, data this old is virtually worthless.

Mexican-Americans are a very vital and important segment of our community. What is needed is an intensive study to determine the degree of these problems, and more importantly recommendations for solutions. The time for action is overdue. I urge the passage of HJR 19.

R. L. Larsen
City Administrator

Montana Human Resources Development Council Directors Association

AREAS SERVED:

Billings

Havre March 9, 1979

Great Falls

Roundup

Bozeman Senator Pete Story, Chairman
Senate State Administration Committee

Kalispell Capitol Station

Missoula Helena, MT 59601

Butte Dear Senator Story:

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Helena Directors Association, Inc., I am in full support of HJR-19.

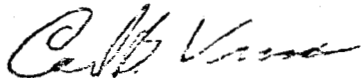
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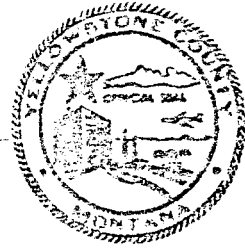


Carl B. Visser, President
Montana HRDC Directors Association, Inc.

CBV/gk

County of Yellowstone

JUSTICE COURT



BILLINGS, MONTANA

59101

February 8, 1979

State Administrative Committee
46th Legislature
Capitol Building
Helena, Montana 59601

RE: House Joint Resolution No. 19

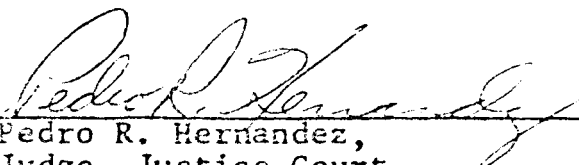
Gentle "wo"men:

This letter is in support of the proposed study of the problems affecting the Mexican-American in Montana.

I feel that in some instances the public and government have been made aware of the stated conditions of HJR19, but the study would contribute to a more in-depth understanding of said problems.

I give my thanks and support to members of the House and Senate who have sponsored and who will be working for this bill.

Sincerely,


Pedro R. Hernandez,
Judge, Justice Court

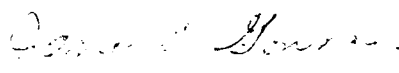
PRH/ss

February 6, 1979

Joe Brand (Chairman)
State Administration Committee
Helena, Montana 59601

Mr. Brand;

This letter will serve as a letter of support to H.J.R. Nineteen. I would hope that it will come out of Committee Hearing with a favorable vote. I believe that for too long the problems of the Mexican-American have been overlooked. Hopefully this study will address these problems, and verify that the problems do in fact exist. I will not go into detail on these problems, but if I can be of any help to you feel free to call me. Thank You.


James E. Gonzales
4415 Vaughn Ln.
Billings, Montana 59101
PH. 248-3238
Billings City Council
Ward # 1

cc: Helen O' Connell
Wes Teague
Rob Federico.

JG/hl



MEXICAN COUNCIL OF MONTANA

BOX 2031
BILLINGS, MONTANA

President Jim Gonzales
Vice-President Barry Gonzales
Secretary Marcella Siefert
Treasurer Antonio Martinez

February 6, 1979

Joe Brand (Chairman)
State Administration Committee
House of Representatives
Helena, Montana 59601

Dear Mr. Brand:

The Mexican Council of Montana would like to request some information on your proposal to conduct a study of the problems of The Mexican American population in Montana.

As a Statewide Council representing the interests of the Mexican population in Montana, we are concerned with the methods to be used in conducting your proposed study, the criteria used in selecting the people who will draft the study and the provisions to ensure participation by The Mexicans from all walks of life.

Very Truly Yours,

James E. Gonzales
President
Concilio Mexicano

cc: Wes Teague
Helen O' Connell
Rob Federico

JG/hl:

February 5, 1979

Mr. Joe Brand
Chairman - State Administration Committee
Capital Building
Helena, Montana 59601

Chairman Brand:

As a member of the Human Relations Commission for the City of Billings, I would like to encourage you to share in my support of House Joint Resolution Nineteen.

The problems facing the Mexican populace in Montana are diverse and need to be contended with immediately.

I urge you to support the proposed study and also ask that provisions be made for the implementation of the recommendations which will come out of the study. Thank You for Your Attention.

Sincerely,



Carolyn Minder
2816 Glenwood
Billings, Montana 59102

cc: Wes Teague
Rob Federico

CM/hl