

VISITOR'S REGISTER

HOUSE House Human Services SUBCOMMITTEE

BILL _____

DATE Feb 4, 1983

PONSOR _____

NAME	RESIDENCE	REPRESENTING	SUP- PORT	OP- POSE
Andrie Reheplisch	Great Falls	Am. Assoc. Univ. Women Mont. Division	✓	
Kathleen Kang	Helena	Mont. LWW	✓	
John Frankino	Helena	Hum. Rts. Comm.	✓	
Margaret H. Brown	Missoula	Hum. Rts. Com.	✓	
Rod Ayer	Helena	Labor & Industry		
Ray Brown	Helena	Human Rts. Div.	—	
Cathy Campbell	Helena	Mont. Association of Churches	✓	
Anne MacIntyre	Helena	Human Rights Div.	—	
Sue Mohr	Helena	DOL		
Virginia Jellison	Missoula	L.J.C.H.T., Inc.	✓	
Civian Embler	Helena		✓	
Nancy Walter	Helena	MED	✓	
Tom Roper	Helena	Mont. Senior Cts.	✓	
Eldora Anderson	Missoula	LWW	✓	
Bob Humphreys	Great Falls	Human Rights	✓	
Lemmi Fendak	Missoula	HSU	✓	
Jan McHenry	Missoula Mt.	Mont. Coalition of Handicapped	✓	
Spe Popash	Helena	Individuals	✓	
Joey Flaherty	Helena	Women's Business Center Jobbyst Festival	✓	
Jill Murray	Helena	Mont. AFL-CIO	✓	

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

WHEN TESTIFYING PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

VISITOR'S REGISTER

HOUSE Human Services Sub

COMMITTEE

BILL _____

DATE 2-4-83

SPONSOR _____

NAME	RESIDENCE	REPRESENTING	SUP- PORT	OP- POSE
Frederick F. Sherwood	Helena	self	✓	
Jonathan Mork	Helena	Common Cause	✓	
Janey M. Cacker	Gr Falls	self		X
John Sullivan	Helena	self	✓	
Jim Reynolds	HELENA	self	✓	
Joel Hardy	Helena	Montana College	✓	

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

WHEN TESTIFYING PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

MINUTES OF THE MEETING OF THE JOINT APPROPRIATIONS SUBCOMMITTEE
ON HUMAN SERVICES
February 4, 1983

The meeting was called to order at 7:10 a.m. by Chairman John Shontz. All subcommittee members were present.

Begin Tape 31 Side 1

Also present were: Mr. David Hunter, Commissioner of Labor for the Department of Labor and Industry; Mr. John Frankino and Margery Brown, Human Rights Commissioners; Rod Sager and Sue Mohr from the Department of Labor and many others.

HUMAN RIGHTS DIVISION

Mr. David Hunter, Commissioner of Labor for the Department of Labor and Industry explained the commission hires its own staff and sets its own policies and procedures and are administratively attached to the Department of Labor.

Mr. John Frankino, Director of the Montana Catholic Conference and Chairman of the Montana Human Rights Commission spoke briefly. He said there are 5 members on the commission. He then introduced Angie Cormair from Billings, an educator and businesswoman, and she then presented the budget to the committee.

Ms. Cormair told the committee the office of Budget and Planning had authorized a total program of \$265,692. They feel they would be able to proceed for that amount. One item she wanted to focus in on was the \$90,195. That amount is estimated to be coming in from federal funds but in actuality it will be \$67,300. exhibit 3

Exhibit 3 showed the basic contract for the human rights commission. EEOC contracts with the state of Montana at #393 a case to process Title 7 which is the federal civil rights complaints. These are basically employment charges with employers who have 15 or more employees. The FY83 column is the amount of money they will receive from federal moneys. This \$67,300 when subtracted from the \$91,195 in FY84, leaves them with a difference of \$22,895 and in FY85 a difference of \$28,307.

She then referred the committee to exhibit 4 which showed the caseload summaries and projections. The left hand column explained the number of inquires received, cases received, cases closed, and cases still open. This was further broken down into those cases 6 months old or less and the backlog those being over 6 months old. There were listed three situation columns also and she explained situation 1 and 2 which both work from the executive budget request of \$265,692. The difference was in the FTE. One authorizes 9.5 FTE but funds 7.5 FTE in FY84 and in FY85 authorizes 8.75 and funds 6.5 FTE. The difference is in the projected federal income amount and the actual incoming federal amount. They have a history of being authorized for more federal funds than they actually receive.

The second situation outlines what will happen if the state will fund the full \$265,692 for FY84 and \$264,102 for FY85. The backlog difference under situation 1 was 306 in FY85 and in situation 2, 142 in FY85. This is a difference of 165 cases which breaks down financially to \$51,000 at \$311 per case. The increased efficiency will bring in the additional cases. The average cost per case at the present time is approximately \$800. The addition of \$51,000 from the state will bring in the additional cases. The average cost per case at the present time is approximately \$800. The addition of \$51,000 from the state will bring in over \$100,000 worth of work.

They have one contract with the federal government that is scheduled to terminate in October of 1984. They request that the committee approve the two modifications in housing discrimination and aging inventory.

Margery Brown, Dean of the Law School at University of Montana, then spoke briefly on the staffing. She is midway through a four year term as a human rights commissioner. She explained that the executive budget as proposed will permit them to retain a single attorney to serve both the division and the commission in all areas of work. It will permit them to employ a half time hearing officer expectedly under a cooperative arrangement with the Department of Labor. They could then cover approximately 33 hearings a year in contrast to the 12 hearings they have been able to fund using approximately \$13,000 in consulting fees. They have contracted with agency legal services for a hearings officer at the rate of \$33 per hour. They stretched that in this year to 12 hearings. Using that same money employing a half time hearings officer will enable them to hear 33 cases a year and she felt the savings and necessity would be evident. In the current year they have already gone through \$13,000 and have reluctantly accepted the staff reduction of the 7.5 FTE of the 5% reduction of their time and compensation for the rest of the year so they will gain a sum of \$3,000 to permit their existent hearings officer to prepare the orders on cases they have already heard. The executive budget will permit them to return their secretarial staff to 2 positions.

It will also permit them to retain their current small staff which is well organized to carry out the administrative work of the commission in intake and in investigations, etc. They have one administrator, one attorney, one full time secretary and a part time secretary who serves part time as secretary and half time as an investigator, one full time investigator and two individuals who serve as half time investigators and a half time as intake officers, and one half time investigator.

The executive budget would permit them to add a half time hearings officer, another half time secretary and to retain their attorney which brings them to 8.5 FTE positions. They feel this will enable them to handle the expected inquiries

of cases and to slowly reduce their backlog and it will insure them they are in a position to retain the basic EEOC contract. It will permit them to accept the separate contracts on the modifications listed, and enable them to hire 1.00 FTE in FY1984 and .25 FTE in FY85 to help with the backlog, and it will permit them to hire one person to work solely on housing discriminations. She closed by saying that the members do a lot of legal work and study and speak from authority when they recommend urgently why this request is so badly needed.

Mr. John Frankino told the committee of the work with people and presented a flow chart for the commission. See exhibit 5 The division is only 9 years old. The Governor appoints the commission from citizens of Montana and they are confirmed by the Senate. They are a quasi-judicial body responsible for the budget, hiring staff, and involvement in the complaint process.

He explained that in the early years of the agency a backlog developed, particularly at the division level. He pointed out as an example that in 1979 there were 245 backlog cases and under the column of 1983 this figure is 236. In the last 4 1/2 years the backlog has not increased but the snowballing effect of early years is still tagging along. They don't like to see complaints not being handled timely, but the early backlog and the small staff they have makes it impossible to handle those cases. With the executive budget request and the hiring of a hearings officer, that backlog will be eliminated because they will be able to have the hearings conducted and be able to take the cases before the commission on the more complicated cases.

George Harris from the budget office pointed out that the spread sheet that Larry Finch, LFA, prepared shows the current level budget and the executive budget. General Fund should show \$175,495 instead of the \$198,392 and under the other funds it should show \$90,195 or FY84, and in FY85 the executive budget shows \$168,495 in general fund and \$95,607 in other funds. The two modifications which have been referred to are separate from and should be heard or acted upon. One of these is for the backlog reduction and the other is a housing discrimination person to investigate housing discrimination cases. These are both federally funded. See exhibit 1 & 2 Also exhibit 6

This ended the department's presentation on the Human Rights Bureau.

Public comments were then heard from the following:

1. STACY FLAHERTY, representing the Women's Lobbyist Fund, in support of the human rights commission, testified about the importance of protecting the rights and dignity of Montanans. She stated nearly 80% of the complaints involve women and since 1974 977 cases have involved sex discrimination and of this 970 of these cases were filed by women. Without this commission those with

discrimination complaints could turn to EEOC for help but it is a difficult source for help. The commission gives Montanans a unique and accessible source of protection for their rights and feels it is very essential to fund the commission at the level which will make its activities effective and meaningful. (see exhibit 7)

2. JIM MURRY, executive secretary of the State AFL-CIO, first presented a letter from Mr. Walter Wetzel supporting the continuation of the Human Rights Commission. The AFL-CIO is convinced that without these funds, the commission could not carry out its mandate to enforce civil rights laws in Montana, and without adequate funding the Human Rights Commission could not do its job, which makes the human rights act an empty sham for the people of Montana who need this protection. He felt it was more important now than ever because of the condition of the nation's economy. He urged the committee to make human rights a reality for Montana citizens by providing adequate funding for the commission. See exhibit 8

3. NANCY WALTER, representing MEA staff, testified that education was one of the areas where there has been cases before the human rights commission. She personally knows of the value of the commission's work and the satisfaction of an obvious and overt discrimination. She urged the committee to consider seriously the likelihood of funds running out, and urged the committee to take seriously the appeals they heard today as something beyond a concern for financing. It is a concern for humans who need the services that this commission provides, and urged them to give them the funding they need.

4. VIVIAN CRABTREE, a member of the Montana Coalition of Handicapped Individuals left a letter from the President of the Coalition for the committee to read. She wanted to urge the support of the needs of the human rights commission on behalf of the disabled of the state. She said they were not covered under Title 7 and there are no federal funds to help them with their cases. They need the Human Rights Commission to help them compliment what they are trying to do in terms of promoting employment, seeing to it that persons who are qualified are not discriminated against because they can't be accepted by employers because they can't get past their disability, and so they won't be discriminated against in housing, etc. See exhibit 9

5. JOHN PROMOTO, Lobbyist for Common Cause, said they do support adequate funding for the Human Rights Commission to make it more accessible and meaningful to people.

6. VIRGINIA JELLISON, from Missoula, represented the L.I.G.H.T. organization, an advocacy group for low income, handicapped and elderly people, and also represented a coalition of groups, in social services and in total represented about 2,300 people in the Missoula area. They are very concerned about the funding for the Human Rights Commission. They feel this is one of the most important and they need the services of the commission very badly. She urged the committee to provide adequate funding for the commission on behalf of her constituency.

7. ANDREE DELIGDISCH from Great Falls, spoke for the American Association of University Women. They support funding of the Human Rights Commission. The statutes of Montana are very good but but in order to make those statutes meaningful all alleged infractions must be pursued in a timely manner and this means the investigations must not be delayed many, many months as it the case now. This is the only recourse now for those people who do not have the funds to litigate privately. Typically those people who experience discrimination do not have a lot of money and therefore it is double important that agencies such as this be able to function in an efficient manner. She urged support of the budget request as submitted by the executive budget. See exhibit 10

8. FREDERICK SHERWOOD, staff attorney for the Human Rights Commission from 1978 to 1982, said that during his tenure with the commission they did the best possible job of enforcing Montana's laws of discrimination. He found, however, that in many many cases it was impossible for the staff to do as good as they wanted to be able to do because of the backlog. Begin Tape 31 Side two

9. SEN. CHRIS CHRISTIAENS, testified as a former member of the Human Rights Commission, and urged the full support of the commission. It was very difficult when he served as financial advisor to look almost daily at the budget and decide how much money was available. And it was extremely frustrating to see cases sitting that could not be heard because of lack of funds. He felt it was important for both employee and employer to have the cases handled in a timely manner.

10. TOM RYAN, of the Montans Senior Citizens Association, testified he had worked in the teaching fields and in construction and worked on Indian reservations building powerlines and he had seen first hand the Indians being discriminated against in the past. Today this would not happen because of having the commission to protect human rights. Just having the commission keeps down the number of cases and he felt the commission is very necessary.

11. JENNIFER VENCHECK represented the Handicapped Student Union of the University of Montana. The students like the idea of seeing some kind of recourse when they are going out to seek jobs in cases of discrimination and urged the full support of the committee.

12. SANDY MCCRACKEN, Lawyer from Great Falls, testified he had been exposed to the work of the Human Rights Commission. He gives them an A for effort, a C for results and a D for procedure. He knows they need the budget but felt they were very slow in handling claims, and explained some cases he had personal experiences with. He felt their delays were absurd and that their procedures should be streamlined.

13. MR. JOHN SULLIVAN, Attorney from Helena, testified he usually represents the employer in his cases and has personally experienced the delays in his cases and feels it benefits no one. Cases become very, very difficult to resolve when delays occur. He agreed that the alternative of a federal forum would be a disaster for everyone. He urged the committee to properly fund the Human Rights Commission.

14. JIM REYNOLDS, a private attorney, who primarily represents charging parties requests full support of the Human Rights Commission. He personally knows of no smaller agency that affects more people than this organization and has more impact than this commission.

15. KATHY CAMPBELL, from the Montana Association of Churches, said the religious organizations are very concerned about the toll of discrimination on families and the results in human suffering that occurs, and urged full support of the budget for the Human Rights Commission. See exhibit 11

16. KATHY KARP, representing the Montana League of Women Voters, urged support of the Human Rights Commission. See exhibit 12

17. JOEL HARDY, from the Montana Colleges, urged support also.

The Hearings were closed on Human Rights Division.

Larry Finch, LFA then explained the executive original proposal requested 7 FTE which reflected the elimination of the attorney's position. However, they recommended \$32,000 in contracted services which is \$16,000 above what the LFA current level analysis proposes and also above what the department had originally requested, and requested \$14,000 for travel above the current level analysis.

Subsequently the executive reinstated the attorney's position and reduced the contracted services and travel to fund this position. There is enough funding in contracted services above current level to support the .5 FTE hearings officer position. The OBPP budget reflects 8.5 FTE which is 1.5 FTE above what current level analysis


portrays. Both the executive and LFA have held funding at the original federal levels of \$90,195 and \$95,607 in FY84 and FY85. Commission per diem was not included in the LFA budget. The department has requested \$1,200 per year.

Rep. Menahan wanted to take executive action on the budget at this time but due to Sen. Regan's being absent it was decided to hold the executive action until a meeting at 8:30 on Saturday morning.

Tape 31 Side 2 to 370 A letter from Rodney Garcia and a letter from the Montana Indian Assoc. in support were received. Meeting was adjourned at 8:30 a.m. exhibit 13 and 14



John Shontz, Chairman



Carol Duval, Secretary

AGENCY DEPARTMENT OF LABOR AND INDUSTRY

PROGRAM HUMAN RIGHTS

Exec. Budget Page 450

Subprogram _____

Fiscal Analyst's Page 724

EXPEND.	1984 BUDGET			1985 BUDGET			
	1982 Actual	Exec. Budget	Fiscal Analyst	Exec.-LFA Variance	Exec. Budget	Fiscal Analyst	Exec.-LFA Variance
FTE	8.00	8.00	7.00	(1.00)	8.00	7.00	(1.00)
Personal Serv.	149,791	185,104	168,910	(16,194)	184,655	168,699	(15,956)
Operating Serv.							
21 Contr. Serv.	14,071	20,674	15,799	(4,875)	18,938	16,740	(2,198)
22 Supplies	2,197	2,469	2,465	(4)	2,618	2,611	(7)
23 Communication	3,099	6,484	6,007	(477)	7,367	6,808	(559)
24 Travel	9,263	19,111	10,031	(9,080)	18,565	10,499	(8,066)
25 Rent	5,120	9,211	8,965	(246)	10,178	9,502	(676)
26 Utilities	-	-	-	-	-	-	-
27 Repairs	985	1,106	1,105	(1)	1,173	1,170	(3)
28 Other	2280	2,563	2,558	(5)	2,717	2,710	(7)
Subtotal	37,015	61,618	46,930	(14,688)	61,556	49,990	(11,566)
Non-Operating							
1. TRANSFERS	21,601	16,884	17,689	805	17,891	18,677	786
2. EQUIPMENT	0	2086	1,674	(412)	0	1,043	1043
3.							
4.							
5.							
6.							
Total Expenditures	208,407	265,692	235,203	(30,489)	264,102	238,409	25,693
Funding							
General Fund	129,953	198,392	145,008	(53,384)	196,802	142,892	(54,000)
Other Funds							
1. 03122*	78,454	67,300	90,195	22,895	67,300	95,607	28,307
2.							
3.							
4.							
5.							

Leg:cm:a *Federal funding source is from contract with Equal Employment Opportunity Commission.

AGENCY Worker's Compensation

PROGRAM Administration

exhibit 2
2/4/83

Language:

Included in item ___ is \$95,000 general fund in fiscal 1984 and \$102,000 general fund in fiscal 1985 for social security offset payments. General fund shall be used only for social security offset payments.

LJA:cm:e3

MONTANA HUMAN RIGHTS COMMISSION

Federal Fiscal Years 1981 and 1982

Projections: FY 83, FY 84, and FY 85

BASIC CONTRACT

EEOC	81	82	83	84	85
New Charge	37,950	59,850	59,850	59,800	59,800
Travel and Training	1,566	789			
Backlog	21,863				
Age		16,875			
Age		1,125	7,500	7,500	7,500
Subtotal	61,379	78,639	67,350	67,300	67,300

The monies received during federal FY 81 and FY 82 are based on actual contract completion. The monies received in federal FY 83 are contingent upon successful contract completion. The projections for FY 84 are contingent upon successful contraction completion for federal FY 83. The figures for FY 85 are contingent upon completion of FY 84 contract.

2/2/83

MONTANA HUMAN RIGHTS COMMISSION

Case Load Summaries and Projections
FY 78 - FY 85

FY	78	79	80	81	82	83
INQUIRIES	1388	1754	2050	2160	1525	2000
CASES RECEIVED	308	264	240	274	270	230
CASES CLOSED	268	211	248	177	201	413
CASES OPEN	322	375	367	464	534	351
6 MONTH WORKING INVENTORY	154	132	120	137	135	115
BACKLOG	168	243	247	377	399	236

FTE'S	78	79	80	81	82	83
Authorized	16	10.5	8	8	8	8
Actual/Funded	10	10.5	7	6.75	6.75	7.5
Cases Closed Per FTE	26.8	20.10	34	27.2	28.7	30

- Situations -

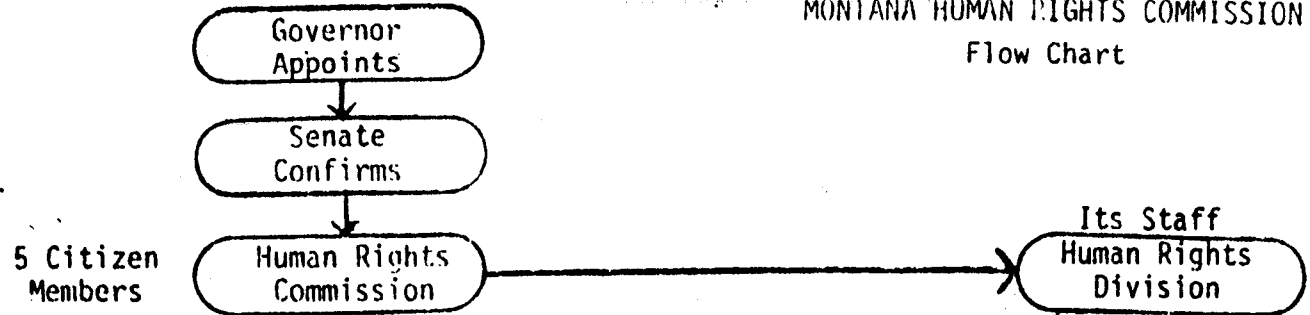
	1		2		3	
	84	85	84	85	84	85
INQUIRIES	2000	2000	2000	2000	2000	2000
CASES RECEIVED	250	250	250	250	250	250
CASES CLOSED	225	195	304	250	336	312
CASES OPEN	376	431	297	267	265	203
6 MONTH WORKING INVENTORY	125	125	125	125	125	125
BACKLOG	251	306	172	142	140	78
FTE'S	9.5	8.75	9.5	8.75	10.5	9.75
Actual/Funded	7.5	6.5	9.5	8.75	10.5	9.75
Cases Closed Per FTE	30	30	32	32	32	32

PROJECTIONS BASED ON THE FOLLOWING ASSUMPTIONS

- Projections do not include Housing and Urban Development Proposed Modification. Separate contract for housing discrimination Minimum impact on case load.
1. Aging inventory contract, which terminates in October 1984, signed. Result: Minimal work on cases not covered by Title VII, ex.: handicap, marital status, areas other than employment. Loss of federal funding highly likely FY 85.
 2. Current level funding with General Fund increased to reflect actual income (\$22,895 FY 84, \$28,308 FY 85). EEOC modification. Proposed budget modified to allow addition of .5 FTE hearing officer instead of contracting. No increase in cost. Result: No FTE reduction necessary, increased efficiency. "Backlog" end FY 85: 142. Moderate risk loss of federal funding.
 3. Same as #2. Addition of 1 FTE compliance officer added for biennium only to effectively eliminate backlog. Additional cost \$25,000 per year. Result: "Backlog" end FY 85: 78. Continuation of federal funding.

Exhibit 4
2/4/83

MONTANA HUMAN RIGHTS COMMISSION
Flow Chart

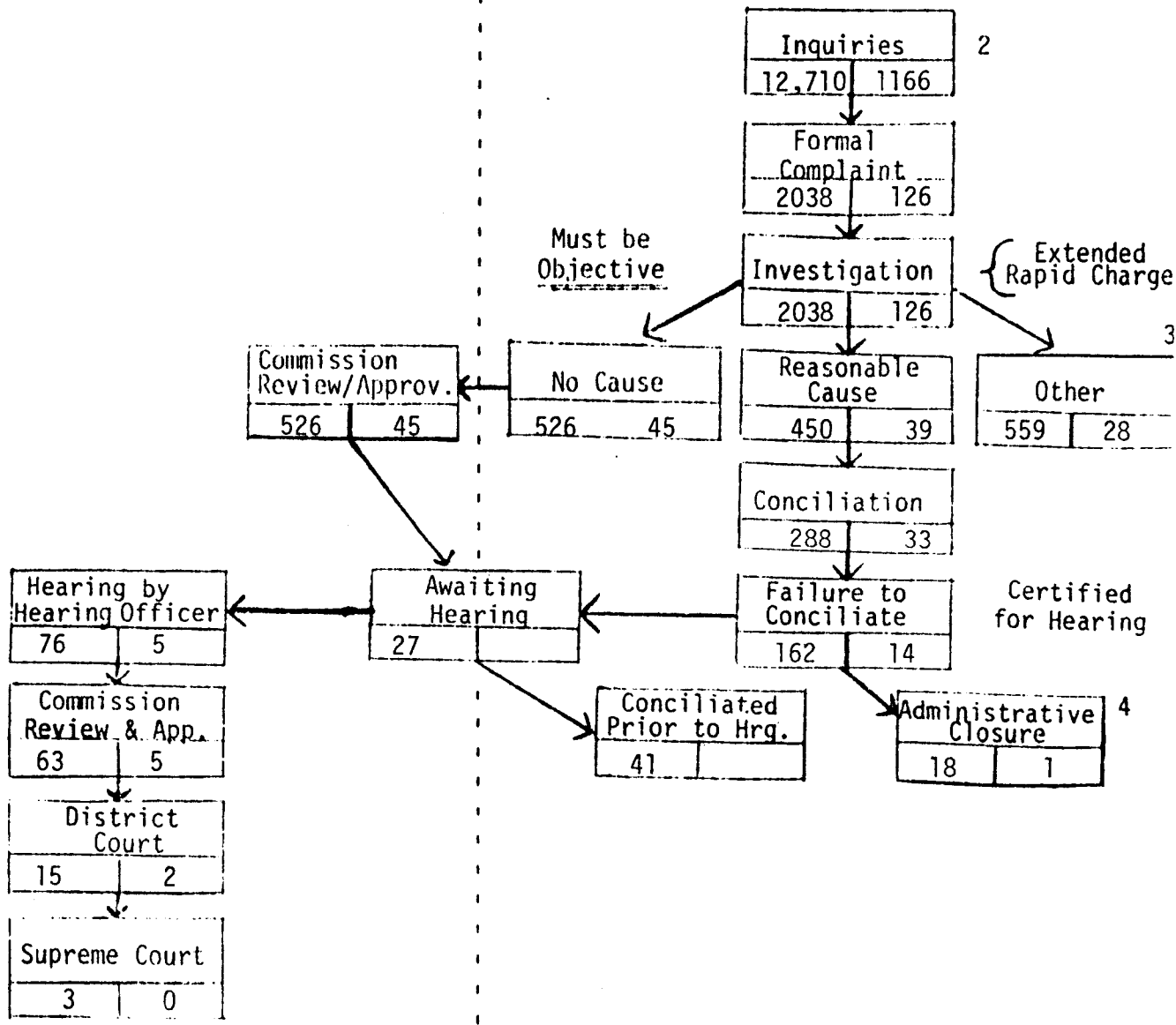


- Responsibilities
- 1) Quasi-judicial
 - 2) Budget
 - 3) Hire and Fire
- } Direct Staff

4) Complaint Process

COMMISSION
Role: Judge
(By law and by Code of Ethics cannot interfere with investigation)

STAFF¹
Role: Investigation
Guides: Statute & Case law



FOOTNOTES

1. If staff does not perform according to set of goals, or if there is consistent neglect of statutory provisions, case law, or procedures, dismissal may be in order. The staff is accountable to the Commission, law and procedures in its investigation. Objectivity is of the essence.
2. Left Column - Total; Right Column - FY 83
3. Other includes withdrawn, withdrawn with settlement; administratively closed, and no jurisdiction (559/28).
4. Charging Party does not obtain attorney.

CASELOAD SUMMARY

Cases Received 2038

Cases Closed

No Cause 526

Other 559

Commission Decisions 63

Admin. Closure (EEOC) 18

Conc. Prior to Hearing 41

Conciliated 288

Reason. Cause - Dist. Crt. 218

TOTAL 1713

Open 325

Hearings:

Certified, Not Heard 27

Hearing Awaiting Order 5

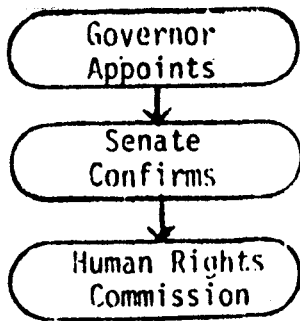
Before Commission 5

37

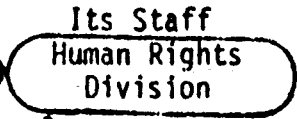
Division Level 288

6 Month Inventory 115

Backlog Inventory 173



5 Citizen Members



- Responsibilities
- 1) Quasi-judicial
 - 2) Budget
 - 3) Hire and Fire
- } Direct Staff

4) Complaint Process

COMMISSION

Role: Judge

(By law and by Code of Ethics cannot interfere with investigation)

STAFF

Role: Investigation
Guides: Statute & Case law

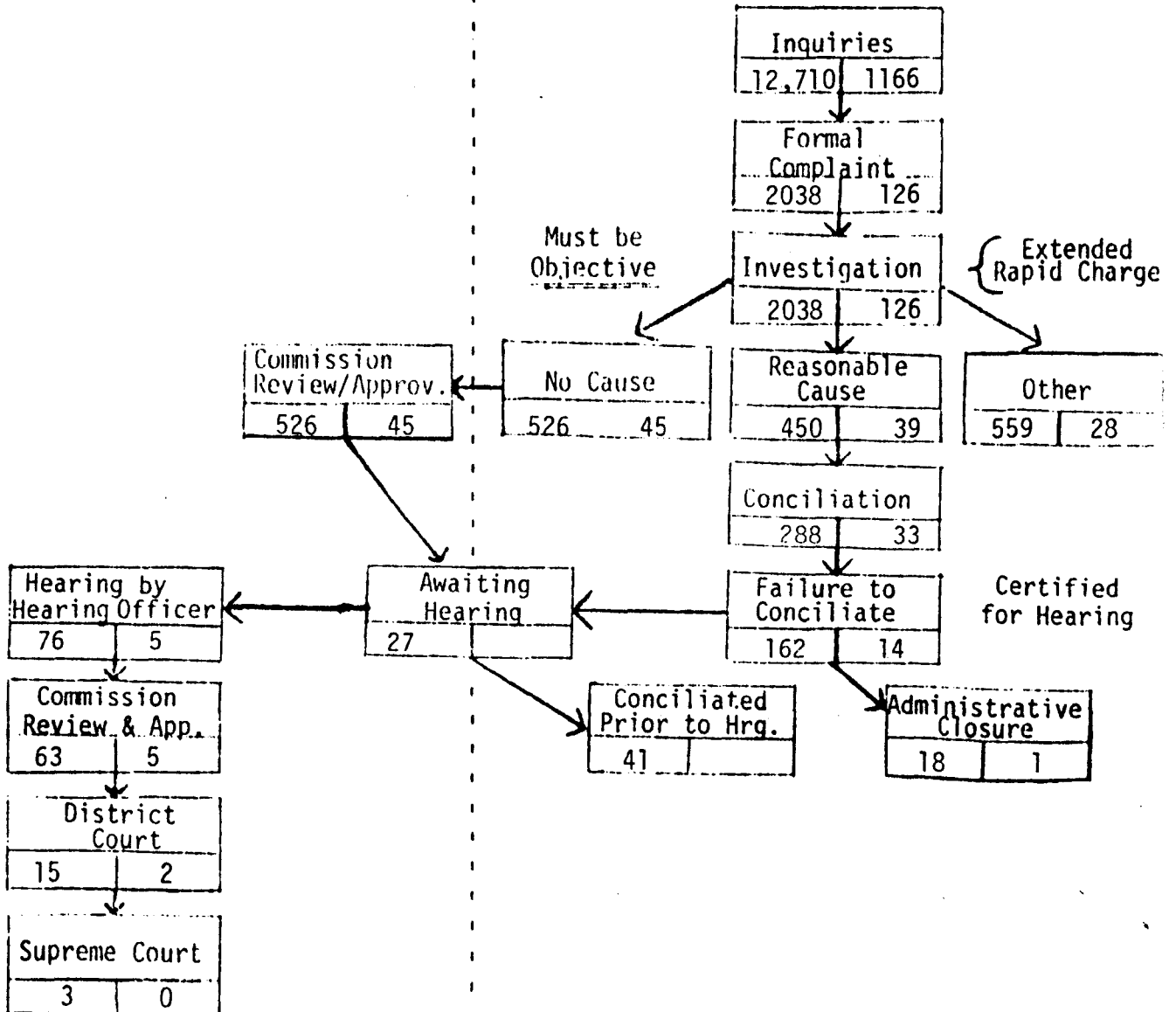


exhibit 6
2/4/83

OFFICE OF BUDGET & PROGRAM PLANNING
EXECUTIVE BUDGET SYSTEM
AGENCY/PROGRAM/CONTROL --- BUDGET WORKSHEET

REPORT (BSR) 100
DATE : 01/08/83
TIME : 16/26/30

AGENCY : 6601 LABOR AND INDUSTRY
PROGRAM : 30 HUMAN RIGHTS
CONTROL : 30001 HOUSING DISCRIMINATION

MODIFIED LEVEL SERVICES ONLY

AL/OE	DESCRIPTION	OBPP FY 84	LFA FY 84	DIFF. FY 84	SUB-CMT. FY 84	OBPP FY 85	LFA FY 85	DIFF. FY 85	SUB-CMT. FY 85
0000	FULL TIME EQUIVALENT (FTE)	1.00		-1.00		1.00		-1.00	
1100	SALARIES	17,080		-17,080		17,015		-17,015	
1400	EMPLOYEE BENEFITS	2,492		-2,492		2,511		-2,511	
1500	HEALTH INSURANCE	960		-960		960		-960	
	TOTAL LEVEL	20,532		-20,532		20,486		-20,486	
2200	SUPPLIES & MATERIALS	3,371		-3,371		3,573		-3,573	
2400	TRAVEL	3,784		-3,784		3,949		-3,949	
	TOTAL LEVEL	7,155		-7,155		7,522		-7,522	
	TOTAL PROGRAM	27,687		-27,687		28,008		-28,008	
03122	LABOR & INDUSTRY	27,687		-27,687		28,008		-28,008	
	TOTAL PROGRAM	27,687		-27,687		28,008		-28,008	

OFFICE OF BUDGET & PROGRAM PLANNING
 EXECUTIVE BUDGET SYSTEM
 AGENCY/PROGRAM/CONTROL --- BUDGET WORKSHEET

REPORT 1BSR100
 DATE : 01/08/83
 TIME : 16/26/30

AGENCY : 6601 LABOR AND INDUSTRY
 PROGRAM : 30 HUMAN RIGHTS
 CONTROL : 30002 AGING INVENTORY

MODIFIED LEVEL SERVICES ONLY

AC/OF	DESCRIPTION	OBPP FY 84	LFA FY 84	DIFF. FY 84	SUB-CMT. FY 84	OBPP FY 85	LFA FY 85	DIFF. FY 85	SUB-CMT. FY 85
0000	FULL TIME EQUIVALENT (FTE)	1.00		-1.00		.25		-.25	
1100	SALARIES	17,080		-17,080		4,254		-4,254	
1400	EMPLOYEE BENEFITS	2,492		-2,492		628		-628	
1500	HEALTH INSURANCE	960		-960		240		-240	
	TOTAL LEVEL	20,532		-20,532		5,122		-5,122	
2400	TRAVEL	4,058		-4,058		1,014		-1,014	
	TOTAL LEVEL	4,058		-4,058		1,014		-1,014	
	TOTAL PROGRAM	24,590		-24,590		6,136		-6,136	
03122	LABOR & INDUSTRY	24,590		-24,590		6,136		-6,136	
	TOTAL PROGRAM	24,590		-24,590		6,136		-6,136	

WOMEN'S LOBBYIST FUND

Box 1099
Helena, MT 59624
449-7917



TESTIMONY OF STACY A. FLAHERTY, WOMEN'S LOBBYIST FUND, IN SUPPORT OF THE HUMAN RIGHTS COMMISSION, BEFORE THE SUBCOMMITTEE ON HUMAN SERVICES, FEBRUARY 4, 1983.

Montana has one of the strongest commitments to prohibit discrimination and protect the dignity of each Montanan. This commitment is expressed in our state constitution (Article II, Section 4) and by our Human Rights Act (Title 49).

In order to ensure protection of these inalienable rights, we need to fully fund the Human Rights Commission, retain its staff attorney and its autonomous status. The rights guaranteed to Montanans are worth nothing unless they are protected and enforced.

Since its establishment in 1974, the Human Rights Commission has received 1900 complaints. 90% of these cases involved discrimination in employment. (as of FY 82) 10% of the complaints centered around issues of discrimination in housing, education, financing, etc.

Nearly 80% of the complaints involve women. Since 1974, 977 cases have involved sex discrimination, 970 of these cases were filed by women. Without the commission, those with discrimination complaints who work for large employers could turn to the Equal Employment Opportunities Commission (EEOC) for help, a distant and difficult source of help. Women and men working for small employers would have to press their claims in district court-- a costly procedure and a remote procedure for most Montanans.

Women in this state and the Women's Lobbyist Fund have had and still have as a number one priority--equality of political and social rights. The Human Rights Commission is absolutely critical to this commitment to equality.

The Human Rights Commission gives Montanans a unique and accessible source of protection for their rights. It is paramount that we maintain and protect this commission and fund it at a level which will make its activities effective and meaningful.



Exhibit 8
2/4/83



Box 1176, Helena, Montana

JAMES W. MURRY
EXECUTIVE SECRETARY

ZIP CODE 59624
406/442-1708

TESTIMONY OF JIM MURRY BEFORE THE FINANCE AND CLAIMS JOINT SUBCOMMITTEE ON
HUMAN SERVICES , February 4, 1983

I am Jim Murry, Executive Secretary of the Montana State AFL-CIO. I am here today to speak in support of adequate funding for the Human Rights Commission. We are convinced that without these funds, the Commission will not be able to carry out its mandate to enforce civil rights laws in Montana.

Without adequate funding, the Human Rights Commission simply cannot do its job. That makes the Human Rights Act an empty sham for the people of this state who need its protection. In addition, inadequate funding, leading to a lower number of cases, means the risk of losing federal funds which depend on a certain number of cases for funding. That becomes a vicious circle of ever increasing lower funds and fewer cases.

This funding is even more important now than ever because of the terrible condition of the nation's and the state's economy. With unemployment in Montana running over 37,000 people and with the prediction of the Commissioner of Labor that this will increase to 50,000 in the next few months, it is clear that jobs are few and far between. Competition for those jobs is incredibly tough, and it is not unusual during such times for groups which have been discriminated against traditionally to experience increasing discrimination.

The current backlog of cases make it obvious that the Commission is not now adequately funded. The increases requested will help alleviate that backlog, which is vitally important to the enforcement of the Human Rights Act. It has been said that "justice delayed is justice denied", and those delays must be eliminated.

The AFL-CIO has a long and proud tradition of support for civil rights. Long before the Supreme Court's famous 1954 ruling reversing the 19th century rule of 'seperate but equal' facilities, organized labor was a persistent, if often lonely voice among American Institutions calling for an end to racial discrimination.

We have been a strong advocate of federal enforcement legislation, including the Civil Rights Act of 1964, which contained long sought provisions outlawing discrimination by either employers or unions. That is the law the Montana Human Rights Commission enforces. But years before the act was passed, the AFL-CIO was working with success to obtain the merger of once-separate black and white locals in scores of southern industrial plants. The AFL-CIO has a Department of Civil Rights, which assists affiliates in developing affirmative action programs to expand opportunities for minorities and women.

The AFL-CIO's civil rights efforts extend well beyond the area of jobs and union membership. Labor has been in the forefront of the fights for civil rights legislation over the last four decades. It is concerned about voting rights, fair housing, school integration, discrimination against the aged and handicapped and the entire gamut of laws and programs designed to afford every citizen equality and social justice in our society.

The Montana State AFL-CIO is part of that tradition. We have always supported civil rights legislation and affirmative action efforts at the state and national level. We will continue to do so. We have often been in the forefront of these efforts. The Montana State AFL-CIO introduced the first successful resolution in support of the Equal Rights Amendment at the national convention of the AFL-CIO. The resolution was adopted, and support for the Equal Rights Amendment became part of the AFL-CIO official policies.

Those of us who have long been active in civil rights issues recognize only too

TESTIMONY OF JIM MURRY
finance and claims joint subcommittee on human services

-3-

FEBRUARY 4, 1983

well that without enforcement the best legislation in the world is meaningless.

We urge that you make human rights a reality for Montana citizens by providing adequate funding for the Human Rights Commission.

Thank You.

P. O. Box 4983
Helena, Mont.
2 Feb, 1983

Hon. John Shontz
Chairman, Human Services and Sub-
Committee on Indian Claims
House of Representatives
Capital Station
Helena, Mont. 59620

Dear Sir,

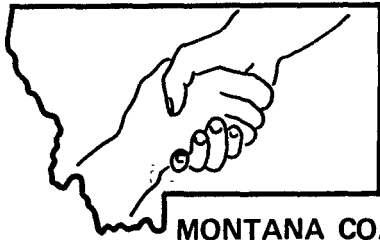
I am in full support of continuation
of the Montana Human Rights Commission.

I feel that this commission is vitally
needed in the State of Montana where
discrimination of various types exists.

I am in full accord with the HRC's
appropriation request. I further believe
that the Human Rights Commission
should be autonomous.

Many people and friends of mine through-
out Montana support the HRC and
endorse its activity in the human rights
field. We need an effective HRC!

Sincerely,
Hester S. Hestel
Former President National
Congress American
Indians.
Former Chairman Blood
Tribes.



MCHI

MONTANA COALITION OF HANDICAPPED INDIVIDUALS
P. O. BOX 4374 MISSOULA, MONTANA 59806
MISSOULA CHAPTER

February 3, 1983

TO WHOM IT MAY CONCERN:

We of the Montana Coalition of Handicapped Individuals feel very strongly that the Montana Human Rights Commission must remain autonomous of the Labor Department.

An analogy of the relationship between the Labor Department and the Human Rights Commission can be made with the human body and its' antibodies. When an infection enters the body the antibodies form together to destroy said infection. The effectiveness of the antibodies is constrained by the strength/spirit of body in which they are housed. So very often the antibodies need help from outside autonomous sources.

We feel that if the Human Rights Commission is housed within the Labor Department, then eventually the inevitable will happen; a situation will arise in which the Labor Department's lack of spirit will constrain the effectiveness of the Human Rights Commission.

We urge you to recommend the autonomy of the Human Rights Commission.

Thank you for this opportunity to express ourselves.

Sincerely,

Roger B. Miller
President

RBM:e/t

TESTIMONY:

Joint Subcommittee - Appropriations - Human Services
2/4/83 (HB-447, Appropriations: Page 46
Human Rights Division)

I am Andree Deligdisch from Great Falls and I am speaking in support of funding for the State Human Rights Division.

I represent the Montana Division of the American Association of University Women, with a membership of 1,400 in Montana.

We support funding for the Human Rights Division which would enable that division to increase the number of hearings which can be handled each year.

The Montana Statutes relating to discrimination based on sex, age, race and so forth, are good. However, to really make the Statutes meaningful and useful to citizens, alleged infractions must be pursued in a timely manner.

This means the investigations and hearings should not be delayed many, many months.

Furthermore, the Human Rights Division is the only recourse available to those people who do not have funds to pay for litigation privately. Anyone can litigate discrimination through courts of law, but that takes "up-front" money for lawyers.

-Typically, those people who experience discrimination do not have a lot of money. It is therefore doubly important that an agency such as the Human Rights Division can function in an effective manner.

This requires adequate funding. We hope that you can support the budget request.

Thank you for your time - I appreciate the opportunity to present this testimony.

Andree Deligdisch

Montana Association of Churches

MONTANA RELIGIOUS LEGISLATIVE COALITION • P.O. Box 1708 • Helena, MT 59601

February 4, 1983

WORKING TOGETHER:

American Baptist Churches
of the Northwest

American Lutheran Church
Rocky Mountain District

Christian Church
(Disciples of Christ)
in Montana

Episcopal Church
Diocese of Montana

Lutheran Church
in America
Pacific Northwest Synod

Roman Catholic Diocese
of Great Falls

Roman Catholic Diocese
of Helena

United Church
of Christ
Montana Conference

United Presbyterian Church
Glacier Presbytery

United Methodist Church
Yellowstone Conference

United Presbyterian Church
Yellowstone Presbytery

Mr. Chariman and Members of the Human Services Joint
Appropriations Subcommittee:

I am Cathy Campbell of Helena, representing the Montana
Association of Churches.

The Montana Association of Churches has been very
concerned about the toll which discrimination enacts upon
society. The cost in human suffering, as well as in
monetary and social terms, is enormous. Our churches have
seen disrupted family lives, unemployment and alcoholism,
much of which has been traced to discrimination.

Discrimination does exist, and it is simply not
morally or ethically right that all citizens of the state
do not have equal opportunity in jobs, housing, financing
and governmental services. Fortunately, the Legislature
has enacted laws in the past which seek to provide civil
rights protection. We are grateful for this.

But without proper enforcement and implementation, the
laws are meaningless.

Civil rights laws are enforced by the Montana Human
Rights Commission. Adequate funding of the Commission is
absolutely necessary if discrimination and the problems
caused by discrimination are to be stemmed. The Commission
has not been properly funded in the past to enable it to
deal effectively with all of its caseload and to provide
the educational programs necessary to inform people of
their rights and the function of the Commission.

The appropriation being requested is small compared
to the human suffering which can be relieved by effective
implementation of the civil rights laws of Montana. The
Human Rights Commission has been an efficient organization,
and with proper funding, will continue to be. But it must
be properly funded if it is not become a token agency.

I do not feel that I can state the position of the
Montana Association of Churches too strongly. Our position
paper supporting an adequately funded, independent Human
Rights Commission and staff was one of only two legislative
position papers which was adopted by the Association in
the last year.

I urge your continued support of the Human Rights Commission.

Montana Religious Legislative Coalition
(M.R.L.C.)
P.O. Box 1708
Helena, Montana 59601

**MONTANA ASSOCIATION OF CHURCHES
POSITION — 1982**

**HUMAN RIGHTS COMMISSION
OF THE STATE OF MONTANA**

Other M.A.C. Position Papers:
Environment and Land Use
Government — Institutions (Us and Them)
Tax Exemption
Victims of Crime Compensation
Released Time for Religious Education
Welfare and Financial Support
Legislating Morality
M.R.L.C. Introduction and History
Energy and Environment
Gambling
Home Health Care
Funding of Conciliation Courts
Pre-marital Counseling for Minors
Pornography
Capital Punishment
Corrections
Traffic Safety
Public Funding for the Arts

**Member Units of the Montana Association
of Churches**

American Baptist Church
American Lutheran Church
Christian Church (Disciples of Christ)
Episcopal Church, Diocese of Montana
Lutheran Church of America
Roman Catholic Church -
Diocese of Great Falls
Diocese of Helena
United Church of Christ
United Methodist Church -
The Presbytery of Glacier
The Presbytery of Yellowstone

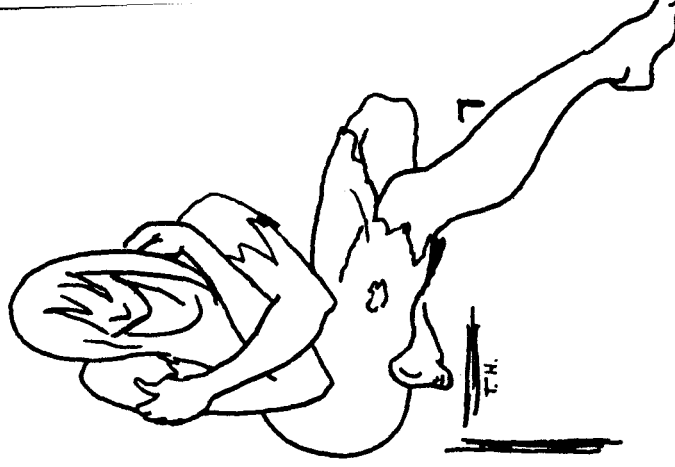
**Single Member Congregations
[non-voting]**

Christ's Church on the Hill, Great Falls
Holy Trinity Serbian Orthodox Church, Butte

Cover design by Tim Holmes, Helena

hibit II
2/4/83

**Human Rights
Commission of the
State of Montana**



**Montana
Religious Legislative Coalition [MRLC]
Committee of the
Montana Association of Churches
1982**

MONTANA ASSOCIATION OF CHURCHES
Position Paper on
HUMAN RIGHTS COMMISSION
OF THE STATE OF MONTANA

POSITION STATEMENT

The Montana Association of Churches supports a strong, visible and effective Human Rights Commission.

To this end the Montana Association of Churches specifically urges the Montana Legislature to:

- A. Continue an independent Human Rights Commission and staff.
- B. Provide funding for adequate staff.
- C. Provide funding for educational programs designed to inform all segments of Montana society of human rights assured under Montana laws and the availability and function of the Human Rights Commission.
- D. Encourage the seeking and receiving of Federal funds as provided by law without unnecessary and crippling fiscal restrictions.

BACKGROUND AND SUPPORTING STATEMENTS:

The Montana Association of Churches can well argue the moral and ethical reasons for a strong civil rights law. Discrimination does exist in Montana. The cost, not only in monetary and social terms, but in human suffering, is enormous. Disrupted family lives, growing welfare rolls, unemployment and alcoholism have been traced to discrimination. Simply stated, it is not morally or ethically right that all citizens of the state do not have equal opportunity in jobs, housing, financing, public accommodations and governmental services. It was for these and other reasons that, in 1974, Montana's Legislature passed the Montana Human Rights Act, and a year later, in 1975, the Governmental Code of Fair Practices. Such laws become meaningless without proper implementation. As a result, the aged, the handicapped, women, racial and ethnic minorities and

others will continue to suffer because of stereotypic concepts and discriminatory treatment.

The Montana Association of Churches commends the Legislature for enacting legislation in the past which sought to provide civil rights protection to women, minorities, and the handicapped. We respectfully remind the Legislature of its continuing duty to uphold the provisions of the Montana Constitution and its enabling legislation:

"The dignity of the human being is inviolable. No person shall be denied the equal protection of the laws. Neither the state nor any person, firm, corporation, or institution shall discriminate against any person in the exercise of his civil or political rights on account of race, color, sex, culture, social origin or condition, or political or religious ideas."

(Declaration of Rights, Article II, Section 4)

FREEDOM FROM DISCRIMINATION

"The right to be free from discrimination because of race, creed, religion, sex, physical or mental handicap, age, or national origin is recognized as and declared to be a civil right. This right shall include, but not be limited to: (1) the right to obtain and hold employment without discrimination; and (2) the right to the full enjoyment of any of the accommodation facilities or privileges of any place of public resort, accommodation, assemblage, or amusement."

(Title 49-1-102 MCA)

The Montana Human Rights Commission, an autonomous, quasi-judicial commission, appointed by the Governor, is the enforcement agency for civil rights laws in Montana. Its staff is the Montana Human Rights Division.

The Montana Human Rights Commission has never been properly funded, and indeed, fiscal restrictions have been placed on the Commission which prevent it from seeking and receiving additional funds in its own name (a responsibility given in enabling legislation of the Montana

Human Rights Commission). Such restrictions have crippled effective enforcement, and may result in the loss of Federal funding. They have nearly eliminated any educational program not only for client groups, but also the business community. As a result, they have left the Commission almost a token agency. Funding has not been appropriated to implement the Governmental Code of Fair Practices.

The Commission is faced with an increasing backlog of complaints. This is an injustice to those who believe they have been discriminated against. Delayed investigation result in increased costs and frustrations to all.

The Commission is unable to inform victims of discrimination that there are remedies available under the law. They are unable to inform the business community of their responsibilities and rights.

Discrimination is not confined to the private sector, but is also found with the public sector and local governments. To insure the Commission's objectivity, it is essential that it remain an independent Commission to avoid any potential conflict of interest or political pressure.

However, the Montana Human Rights Commission is an extremely efficient organization. In 1980 it underwent an extensive Sunset Review proving the competence and efficiency of the agency.

The Montana Association of Churches is concerned over the toll which discrimination exacts upon society. It is especially distressing that many of God's children do not and are unable to exercise their legal rights and privileges. The Montana Human Rights Commission, because its function has been thwarted through inadequate funding, has not been able to help them believe the Montana Human Rights Commission is an effective method of dealing with discrimination. The Commission must be continued, it must be independent, and it must have adequate

WITNESS STATEMENT

exhibit 12
2/4/83

NAME Yvonne King BILL No. _____
ADDRESS Bellevue DATE 2/4/83
WHOM DO YOU REPRESENT Mothers League of Women Voters
SUPPORT X OPPOSE _____ AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

The Mothers League of Women Voters supports funding for the Human Rights Commission. The League has been combating discrimination in many areas for years. The HRC is very effective in dealing with these real cases affecting human rights.

As Mr. Brown pointed out, the more cases heard, the more federal funding the HRC will receive. In order to maintain this workload, the HRC needs the funding to employ adequate staff.

The League supports funding for the Human Rights Commission.

Rodney L. Garcia, President
Montana Farmworkers Council, Inc.
214 So. 38th • Billings, Montana 59101

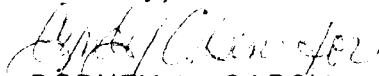
February 4, 1983

To Whom it May Concern:

My name is Rodney Garcia. I am the President of the Montana Farmworker Council Incorporated's Board of Directors. The Montana Farmworker Council (MFC) is a private, non-profit corporation which operates Employment and Training Programs for Migrant and Seasonal Farmworkers. In this capacity, MFC has had the opportunity to deal with the Human Rights Commission in the past.

I feel that, due to the nature and scope of its' activities, the Human Rights Commission is a very essential agency which protects the rights of the individual. I, therefore, support the need for the continued existence of the Human Rights Commission, and adequate funding which would enable the Commission to operate effectively.

Sincerely,


RODNEY L. GARCIA

MONTANA UNITED INDIAN ASSOCIATION

exhibit 14
2/4/83



Phone:
6/443-5350

910 Helena Ave.
Helena, Montana
59601

MUIA

February 3, 1983

Mr. John Shontz, Chairman
Human Services Joint Committee
House of Representatives
Capitol Hill
Helena, MT 59601

Dear Mr. Shontz:

I realize this is a time of hard economic conditions, with many people unemployed, businesses failing and state government pressed for funds. We Indian people often feel the impact of these hardships more than others.

But, the fundamentals of our whole system rest on civil liberties and human rights. Economic recovery cannot be achieved by sacrificing those institutions that protect human rights. Those institutions ensure that recovery occurs within the framework of the basic rules of our society. The Human Rights Commission is one of the institutions that enforces these rules, regardless of whether the economy is good or bad. As Indian people we know that enforcement or the threat of enforcement of these basic rules is necessary to prevent institutions and individuals from taking advantage of those who are different from, or less fortunate than, the majority of people.

A great deal of state money is spent protecting people from crimes against property rights. A little money should be spent to protect people from crimes against people--crimes against human rights. I implore you to support the funding of the Human Rights Commission at a level that permits them to catch up and maintain their work load.

Sincerely,

George Henkel
Executive Director,
Montana United Indian Association/Helena
Indian Alliance

MUIA IS AN EQUAL OPPORTUNITY EMPLOYER

HELENA INDIAN ALLIANCE
HELENA, MONTANA

MISSOULA QUA QUI CORPORATION
MISSOULA, MONTANA

INDIAN DEVELOPMENT & EDUCATION
HELENA, MONTANA

BILLINGS AMERICAN INDIAN COUNCIL
BILLINGS, MONTANA

NORTH AMERICAN INDIAN ALLIANCE
HELENA, MONTANA

NATIVE AMERICAN CENTER
HELENA, MONTANA

LITTLE SHELL TRIBE OF CHIPPEWA
INDIANS OF MONTANA

NORTH AMERICAN INDIAN ALLIANCE
HELENA, MONTANA

ANACONDA INDIAN ALLIANCE
ANACONDA, MONTANA

MONTANA ASSOCIATION OF
BLACK FEET INDIANS