

MINUTES OF THE MEETING  
STATE ADMINISTRATION COMMITTEE  
50TH LEGISLATIVE SESSION  
HOUSE OF REPRESENTATIVES

February 17, 1987

The meeting of the State Administration Committee was called to order for executive action by Chairman Sales on February 17, 1987 at 8:30 a.m. in Room 437 of the State Capitol.

ROLL CALL: Rep. Cody was excused. All other committee members were present.

DISPOSITION OF HOUSE JOINT RESOLUTION NO. 10: Rep. Campbell moved DO PASS, seconded by Rep. Jenkins. The motion carried 12-6, with Reps. O'Connell, Fritz, DeMars, Pistoria, Whalen, and Moore voting no.

DISPOSITION OF HOUSE BILL NO. 38: A DO PASS WITH THE STATEMENT OF INTENT ATTACHED motion was made by Rep. Phillips, seconded by Rep. Jenkins. Rep. Peterson stated she was not satisfied with the bill as details have not been ironed out smoothly enough and pointed out that the committee has received testimony concerning the confusions and impracticalities of implementation.

Rep. Jenkins moved a DO PASS ON THE AMENDMENTS submitted by Rep. Pavlovich, seconded by Rep. Phillips. The amendments are attached as Exhibit # 1. The motion on the amendments carried unanimously.

The DO PASS AS AMENDED motion with the statement of intent attached FAILED 11-7, with Reps. Fritz, Peterson, Campbell, Nelson, Moore, Stratford, Whalen, Roth, Compton, Holliday, and Cody voting no. The vote was reversed for a DO NOT PASS AS AMENDED WITH A STATEMENT OF INTENT ATTACHED.

Rep. Whalen moved to RECONSIDER, seconded by Rep. Phillips. The motion passed 10-7, with Reps. Nelson, Moore, Peterson, Fritz, Stratford, Roth, and Compton voting no.

Rep. Whalen moved to AMEND HB 38 to sunset the preference in two years, seconded by Rep. O'Connell. Rep. Moore stated the veterans she has talked with prefer to see the bill killed. Rep. Peterson stated that she would prefer to extend the existing law. Rep. Jenkins stated that the veterans are concerned with the section that was amended out by Rep. Pavlovich's amendments. Rep. Whalen WITHDREW the motion to amend.

On a roll call vote, the DO PASS AS AMENDED motion tied 9-9.

**DISPOSITION OF HOUSE BILL NO. 300:** Rep. Fritz moved a DO PASS AS AMENDED, seconded by Rep. O'Connell. The motion carried 14-4, with Reps. Whalen, Peterson, Nelson, and Jenkins voting no.

Executive action adjourned at 9:00 a.m., and the committee began its regularly scheduled meeting.

**CONSIDERATION OF HOUSE BILL NO. 706:** Rep. Dave Brown, House District # 72 and sponsor of the bill, stated that it is reasonable that the public know when various gubernatorial appointments will be made to certain councils, boards, commissions, and committees. He distributed an amendment adding a public notice requirement (Exhibit # 2, on file). Rep. Brown urged committee support for the bill.

**PROPOSERS:** Jim Jensen, Montana Environmental Information Center, stated that the Governor has a difficult time finding highly qualified people to fill vacancies. The bill will allow people with specialized interest to better serve in voluntary positions and facilitate the Governor's appointment process at no cost.

Shiela Kates, former member of the State Library Commission, stated that it is essential for Montana's libraries to have strong leadership, and the bill will enable interested and concerned citizens to be aware when appointments will be made.

Lloyd Erickson, Citizen Representation Program of the American Association of Retired Persons (AARP), stated he supports the bill because qualified senior citizens will have an opportunity to volunteer expertise particularly in the areas of aging to various boards. Mr. Erickson made the following suggestions: 1) that the word "shall" be substituted for "may" making the notice mandatory (page 2, line 9); 2) that notices be published with sufficient lead-time to enable responses; and 3) language be inserted to publish either an annual or semi-annual listing reflecting the terms of appointments already on file with the Secretary of State (page 2, beginning on line 10).

Riley Johnson, representing the National Federation of Independent Businesses as well as the Montana Home Builders Association (MHBA), supported the bill stating that interested citizens need to be represented on boards and commissions. The MHBA has been trying to assemble a similar list for the past six months, but the information is not centrally available. For example, the Governor's office has a listing of appointments to be made until January 1988, and the library has a publication available for \$250, but it is not guaranteed to be up-to-date.

**OPPOSERS:** None

DISCUSSION OF HOUSE BILL 706:

Rep. Fritz inquired whether a fiscal note will be attached to the bill. Rep. Brown responded that a fiscal note is not necessary because the Intergovernmental Clearinghouse circular is already being published by the Lieutenant Governor. Rep. Brown further stated the word "may" (page 2, line 9) has been used so that the information will be published when the publication is normally issued, avoiding a statutory requirement that would result in an associated additional cost.

Rep. Nelson asked if special interests, such as the home builders, don't already keep track of the boards of interest. Riley Johnson answered that the home builders aren't aware of all the existing boards that impact the association, and would like to have the information so an assessment can be made whether or not to participate.

Rep. Brown closed discussion on the bill by stating that although the AARP's suggested amendments would be advisable if statutory requirements were in place, changing the wording from "may" to "shall" may lead to problems with the bill.

CONSIDERATION OF SENATE BILL NO. 285: Senator William Farrell, Senate District # 31 and sponsor of the bill, stated that the bill designates the proposed Vietnam memorial to be placed in Rose Park, Missoula, as the official state Vietnam veterans' memorial. A miniature casting was displayed for the committee. The memorial is the result of a voluntary statewide committee's work since April of last year and involves approximately \$130,000 in privately raised funds.

PROPOSERS: Rich Brown, a Vietnam veteran representing the Montana Veterans Affairs, stated that the purpose of the memorial is for the families of the 313 Montana veterans who did not return from Vietnam and the families of the 17 MIAs.

Charlie Brown, Montana Vietnam Memorial Committee chairman, stated that the committee was formed in 1986 to create a memorial for those who have served, those who died, and the families who have suffered as a result of the war in Vietnam.

Memorial Park in Missoula has been chosen as the sight because 67% of all Montana Vietnam veterans come from an approximate 110 mile radius, and 61% of all Montana casualties suffered in Vietnam were within that same radius. The Missoula City Council and Missoula Parks Board have given approval for the project. The memorial makes no political statement regarding the war or its conduct. The hope is that the creation of the memorial will

begin a healing process, and show pride in Montana veterans for the 313 Montanans who could not be here today.

Endorsements for the project include all major veterans posts including the American Legion Post # 27 in Missoula; the State American Legion; the Missoula Post of the Disabled American Veterans, and its state organization; the American Veterans, both local and statewide; the entire Montana Congressional delegation; Ambassador Mike Mansfield; Governor Ted Schwinden; and Secretary of State, Jim Waltermire. Representatives on the committee include the president of the south east veterans organization, the state legislative officer of the Vietnam Veterans of America; Sam Ray, who organized and secured the money to send Montana's contingent to the commemoration of the wall in Washington, D. C.; Greg Hall, Bozeman, with BRAVO; the team leader of the Missoula veterans center; Congressman Pat Williams; and the director of Montana Veteran Affairs.

Hal Manson, American Legion Department of Montana, stated that the legion strongly endorses that the memorial be designated the state Vietnam memorial. The legion believes Montana needs a memorial and endorses the Missoula location.

Norm Laughlin, Chapter # 5 of the Disabled American Veterans (DAV) and United Veterans Council, stated that the DAV unanimously moved to support the state Vietnam memorial being placed in Missoula's Rose Garden, both physically and financially. Missoula county stands proud in having the third largest veteran population, of which 38% are Vietnam era veterans. The memorial will enhance Montana's position among the other states as a leader in designating a state Vietnam memorial. The United Veterans Council of Missoula stands in total support of the memorial and its location. Mr. Laughlin urged the committee's affirmative action to complete the memorial by Veterans Day, November 11.

Bob Hunter, Vietnam Memorial Committee member, stated that May 7, 1985 is the tenth anniversary of the end of the Vietnam conflict; it's time Montana stood up and welcomed Vietnam veterans back home with a memorial.

Rep. Carolyn Squires, House District # 58, supported the placement of the state Vietnam memorial in Missoula's Rose Garden. Rep. Squires attested to the credibility of the 20-member committee and its work in presenting the memorial, stating it would be a disservice if the committee did not issue a strong do pass for the bill.

George Poston, United Veterans Committee of Montana, stated that the committee is in favor of the bill.

Mike Stephen, Helena Vietnam veteran, strongly supported the bill, stating the memorial is a fine tribute to honor the Vietnam veterans, and is long overdue.

OPPONENTS: None

DISCUSSION OF SENATE BILL NO. 285: Rep. Nelson asked where Rose Park is located in Missoula. Rep. Fritz responded that the park is located on the junction of Mount, Brooks, and Blaine and has already been designated a Blue Star Mothers Park. Discussion closed on SB 285.

CONSIDERATION OF HOUSE BILL NO. 459: Rep. Nancy Keenan, House District # 66 and sponsor of the bill, stated that the bill, requested by the Governor and Secretary of State: 1) sets the presidential primary to coincide with the school election date; 2) changes the school election date from the first Tuesday in April to the fourth Tuesday in March; and 3) becomes effective only if at least two of the states of Idaho, Oregon, and Washington, are successful in establishing the fourth Tuesday in March as its presidential primary date. The intent is to draw attention to the northwest's distinct special needs in areas such as timber, mining, agriculture, transportation, and trade, which are not generally addressed on the national level. Additionally, the added media attention will raise public interest and increase participation in the presidential nominating process for both political parties. Costs are minimized by holding the election in conjunction with already required school elections. Problems are being worked through with the clerks and recorders at this time.

PROPOSERS: Larry Akey, Secretary of State's Office, distributed the sponsor's amendments and gray bill (Exhibits # 3 and # 4) and explained how the sponsor's amendments have been worked into the bill: 1) section 2 provides for proportionate cost-sharing, should school districts and counties decide to hold elections together. The same cost-sharing mechanism is already in place for other political subdivision elections; 2) section 4 states that separate ballots must be used for the presidential preference primary; 3) section 5 has been stricken at the request of the clerks and recorders, which would have moved the election of precinct committee people to the presidential preference primary; and 4) section 6 establishes that school election laws take preference, if a conflict arises between school election law and regular election law.

Michael Pichette, Governor's Office, stated that he is conveying the Governor's support for HB 459. The concept has been endorsed by the governors and secretaries of state in each of the four

states and is intended to encourage presidential candidates' interest in issues relevant to western states.

Bruce Moerer, Montana School Boards Association, stated that additional lead time will enable the school boards to have budget information prior to issuing teacher contracts, and the cost-sharing provision will mean savings every fourth year.

Donna Small, Vice Chair of the Montana Democratic Party, asked for committee support so that Montana will be among the western states supporting the concept. Technical details of the bill can be worked out later.

Stuart Doggett, Montana Chamber of Commerce, stated that the bill may possibly bring presidential candidates to the state to discuss business related issues.

Betty Lund, Ravalli County Clerk and Recorder, supported the bill. Although the clerks and recorders have suggested several technical amendments, the wrinkles can be worked out.

OPPONENTS: None

DISCUSSION OF HOUSE BILL NO. 459: Chairman Sales suggested that the committee allow the sponsors and clerks and recorders a few days to work out technical details of the bill. Rep. Nelson asked if the proposed election will cover the gubernatorial primary. Rep. Keenan responded that the regular gubernatorial and legislative primary will still be held in June. Rep. Jenkins asked if there are differences in school districts and voting precinct areas. Larry Akey responded that in some counties voting precincts and school district boundaries may not coincide. Separate procedures would need to be worked out if this occurs or if the county elects not to hold the election in conjunction with the school districts. Rep. Nelson asked why the school election date needed to be changed. Rep. Keenan responded that the March date is the only agreeable date for the four states. Rep. Jenkins asked if the idea of the early election is to bring interest to the presidential candidates because it is an early primary. Rep. Keenan responded that the March election date would make the election the first presidential primary west of the Mississippi. Rep. Keenan closed discussion on House Bill No. 459 by stating that the four western states together have 10 senators and a considerable number of representatives, which may cause the presidential candidates to have enough interest to learn about the issues of concern to western states. Larry Akey stated that amendments between the sponsors and the clerks and recorders can be brought to the committee in two days.

**DISCUSSION OF HOUSE JOINT RESOLUTION 27:** Rep. John Phillips, House District # 33 and sponsor of the bill, explained HJR 27 provided that if Congress decides to adopt and fund the Midgetman missile system, and if Montana is chosen as the location of the missile system, then the Montana Legislature will cooperate with the Secretary of Defense, Secretary of the Air Force, Chief of Staff of the United State Air Force, and the Commander of the Strategic Air Command. The bill is not a political statement as to whether the system should be funded or where it should be located.

**PROPONENTS:** Senator Gene Thayer, Senate District # 19, stated that he has been involved in trying to bring business to Malmstrom Air Force Base (MAFB) for many years. The loud and clear message is that the military would like to spend money in places where it is welcome. The community of Great Falls and MAFB have built up a relationship that is second to none. The bill pledges cooperation. Sen. Thayer stated he would be happy to carry the resolution in the Senate.

Hal Manson, American Legion, urged the Legislature to give all the recognition and support possible if Montana is chosen for the missile system. MAFB has been in the missile business for a long time, and has the necessary expertise and facilities; Great Falls would benefit by having additional business in the community.

Roger Young, Great Falls Chamber of Commerce, testified that the midgetman missile system offers great potential for national security and the Montana economy. The decision to deploy the missile must be made on national security considerations. If Congress decides to build the weapon and strategically Montana's location makes sense, the same welcome should be given as it has to the Minuteman missile system for the past 25 years. Governor Schwinden said:

If Congress decides that the future security of the United States requires funding and placement of the Midgetman, and Montana is chosen as the optimal site, the Department of Defense must have the full cooperation of my office and our administration.

Mr. Young suggested that the Montana Legislature adopt the same position as the Governor by passing House Joint Resolution 27.

Don Ingels, Montana Chamber of Commerce, supported HJR 27.

**OPPONENTS:** Butch Turk, Peace Legislative Coalition, spoke in opposition and submitted written testimony (Exhibit # 5).

DISCUSSION OF HJR 27: Rep. Jenkins questioned the confusing wording in the nuclear weapons initiative placed on the November 1982 general election ballot. Butch Turk replied that proposals for ballot initiatives are submitted to the Secretary of State and the Attorney General, who determine how an initiative is to be placed on the ballot. Rep. Jenkins stated that the Secretary of State and Attorney General do not write the wording. Rep. Jenkins stated that a treaty has to be ratified by Congress in order to be recognized and asked if Mr. Turk would like to inform the committee concerning SALT II's status. Mr. Turk responded that SALT II has not been ratified, but President Carter and President Reagan have chosen to abide by the limits of SALT II even though unratified. Rep. Fritz asked why the resolution is needed. Rep. Phillips responded that this is an important enough issue that the Governor pledged cooperation. Rep. Fritz inquired what the Legislature would do by way of cooperation. Rep. Phillips replied, in the broadest sense, it means no civil disobedience. Rep. Phillips closed discussion on HJR 27 stating that he wouldn't be opposed to an amendment changing the wording from "supporting" to "cooperating".

DISPOSITION OF HOUSE BILL NO. 459: Committee consensus was to postpone action until the new gray bill is presented in two days.

DISPOSITION OF SENATE BILL NO. 285: Rep. Peterson moved DO PASS, seconded by Rep. Nelson. The motion passed unanimously.

DISPOSITION OF HOUSE BILL NO. 706: Rep. Fritz moved DO PASS on the sponsor's amendments, seconded by Rep. Pistoria. The motion passed unanimously. Rep. Fritz moved DO PASS AS AMENDED, seconded by Rep. Pistoria. The motion carried 17-1, with Rep. Sales voting no.

DISPOSITION OF HJR 27: Rep. Pistoria moved DO PASS, seconded by Rep. Jenkins. Rep. Fritz stated that some of the whereas clauses are irrelevant to the question at hand and a resolution calling for cooperation is meaningless. The motion passed 14-3, with Reps. Fritz, Moore, and Whalen voting no.

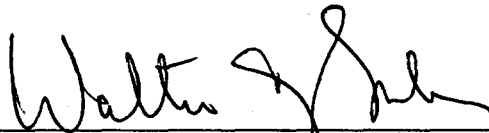
DISPOSITION OF HOUSE BILL NO. 38: Rep. Holliday moved to RECONSIDER, seconded by Rep. Pistoria. The motion passed 17-1, with Rep. Fritz voting no.

Rep. Holliday moved DO PASS AS AMENDED AND WITH A STATEMENT OF INTENT, seconded by Rep. Pistoria. The motion passed 10-8 with Reps. Fritz, Peterson, Roth, Compton, Nelson, Whalen, Moore, and Cody voting no.



State Administration Committee  
February 17, 1987  
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ADJOURNMENT: There being no further business to come before the committee, the meeting adjourned at 11:00 a.m.



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Walter R. Sales, Chairman

7050b/L:JEA\WP:jj

# DAILY ROLL CALL

State Administration

COMMITTEE

50th LEGISLATIVE SESSION -- 1987

Date

2/17/87

NAME	PRESENT	ABSENT	EXCUSED
Walt Sales	✓		
John Phillips	✓		
Bud Campbell	✓		
Dorothy Cody			
Duane Compton	✓		
Gene DeMars	✓		
Harry Fritz	✓		
Harriet Hayne	✓		
Gay Holliday	✓		
Loren Jenkins	✓		
Janet Moore	✓		
Richard Nelson	✓		
Helen O'Connell	✓		
Mary Lou Peterson	✓		
Paul Pistoria	✓		
Rande Roth	✓		
Tonia Stratford	✓		
Timothy Whalen	✓		

SPONSOR AMENDMENTS TO HOUSE BILL NO. 38:

1. Title, lines 4 through 6.  
Strike: "REQUIRING" on line 4 through ";" on line 6

2. Title, line 8.  
Strike: "THESE"  
Insert: "CERTAIN"

3. Page 1, line 20.  
Strike: "7"  
Insert: "6"

4. Page 2, line 19.  
Following: ";"  
Insert: "or"

5. Page 2, line 20.  
Strike: ", divorced" through "separated"

6. Page 2, line 21.  
Strike: "or"  
Insert: "and"

7. Page 2, lines 22 through 24.  
Strike: subsection (iii) in its entirety

8. Page 3, line 2.  
Following: "disabled"  
Insert: "or"

9. Page 3, line 3.  
Strike: ", divorced" through "separated"

10. Page 3, lines 4 through 7.  
Strike: ";" on line 4 through "claimed" on line 7

11. Page 5, line 20 through line 4, page 6.  
Strike: section 2 in its entirety  
Re-number: subsequent sections

12. Page 6, line 22.  
Strike: "3"  
Insert: "2"

13. Page 7, line 3.  
Strike: "5"  
Insert: "4"

14. Page 7, line 10.  
Strike: "3"  
Insert: "2"

15. Page 7, line 12.

Strike: "4"  
Insert: "3"

16. Page 8, line 5.  
Strike: "3"  
Insert: "2"

17. Page 8, line 21.  
Strike: "7"  
Insert: "6"

18. Page 8, line 23.  
Strike: "7"  
Insert: "6"

19. Page 10, line 6.  
Strike: "6"  
Insert: "5"

20. Page 10, line 13.  
Strike: "3"  
Insert: "2"

21. Page 10, line 14.  
Strike: "3"  
Insert: "2"

22. Page 21, line 11.  
Strike: "7"  
Insert: "6"

23. Page 22, line 8.  
Strike: "7"  
Insert: "6"

7045a/CNCL87

# STANDING COMMITTEE REPORT

February 17

19 87

Mr. Speaker: We, the committee on STATE ADMINISTRATION

**HJR 10**

report

☒ do pass  
☐ do not pass

☐ be concurred in  
☐ be not concurred in

☐ as amended  
☐ statement of intent attached

Chairman

**Call for Constitutional Convention for Balanced Federal Budget**

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# STANDING COMMITTEE REPORT

February 17

19 37

Mr. Speaker: We, the committee on STATE ADMINISTRATION

report HB 706

☒ do pass  
☐ do not pass

☐ be concurred in  
☐ be not concurred in

☒ as amended  
☐ statement of intent attached

Chairman

## Requiring Public Notice of Vacancies on Certain Councils, Boards, etc.

1. Page 3, line 25.

Following: "(2)"

Insert: "(a)"

2. Page 4.

Following: line 5

Insert: "(b) A copy of the notice required under subsection (2)(a) must be sent to the lieutenant governor who may publish the notice in an appropriate publication."

*MS*  
FIRST

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# STANDING COMMITTEE REPORT

February 17

19 87

Mr. Speaker: We, the committee on HOUSE STATE ADMINISTRATION  
report HB 38

☒ do pass ☐ be concurred in ☒ as amended  
☐ do not pass ☐ be not concurred in ☐ statement of intent attached  
**WITH STATEMENT OF INTENT**

Chairman

## Revising Veterans' and Handicapped Persons' Employment Preference Act

1. Title, lines 4 through 6.  
Strike: "REQUIRING" on line 4 through ";" on line 6
2. Title, line 6.  
Strike: "THESE"  
Insert: "CERTAIN"
3. Page 1, line 20.  
Strike: "7"  
Insert: "6"
4. Page 2, line 19.  
Following: ";"  
Insert: "or"
5. Page 2, line 20.  
Strike: ", divorced" through "separated"
6. Page 2, line 21.  
Strike: "or"  
Insert: "and"
7. Page 2, lines 22 through 24.  
Strike: subsection (iii) in its entirety
8. Page 3, line 2.  
Following: "disabled"  
Insert: "or"
9. Page 3, line 3.  
Strike: ", divorced" through "separated"
10. Page 3, lines 4 through 7.  
Strike: ";" on line 4 through "claimed" on line 7

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11. Page 5, line 20 through line 4, page 6.  
Strike: section 2 in its entirety  
Re-number: subsequent sections

12. Page 6, line 22.  
Strike: "3"  
Insert: "2"

13. Page 7, line 3.  
Strike: "5"  
Insert: "4"

14. Page 7, line 10.  
Strike: "3"  
Insert: "2"

15. Page 7, line 12.  
Strike: "4"  
Insert: "3"

16. Page 8, line 5.  
Strike: "3"  
Insert: "2"

17. Page 8, line 21.  
Strike: "7"  
Insert: "6"

18. Page 8, line 23.  
Strike: "7"  
insert: "6"

19. Page 10, line 6.  
Strike: "6"  
Insert: "5"

20. Page 10, line 13.  
Strike: "3"  
Insert: "2"

21. Page 10, line 14.  
Strike: "3"  
Insert: "2"

22. Page 21, line 11.  
Strike: "7"  
Insert: "6"

23. Page 22, line 3.  
Strike: "7"  
Insert: "6"

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## STATEMENT OF INTENT

### House Bill No. 38

A statement of intent is required for this bill because section 6 requires the department of administration to adopt rules implementing sections 1 through 5. The legislature intends the rules to adequately provide for the administration of the point preference provided for in section 2 and the retention preference provided for in section 5, but to include only those rules that are reasonably necessary.

It is the desire of the legislature that the department take all necessary steps in formulating, proposing, and adopting rules to ensure that the public, particularly those persons and organizations that have shown past interest in the employment preference law, is afforded sufficient time and opportunity to participate in the rulemaking procedure. The department should give such notice and hold such hearings as will ensure adequate public participation.

Rules adopted by the department apply to both state and local government employers. In formulating its rules, the department should take this into consideration and adopt rules that can be used and applied by the broad spectrum of public employers.

It is the intent of the legislature that the department formulate and adopt rules relating but not limited to the following matters and take into account the following considerations:

(1) Claiming preference -- documentation and verification. Rules relating to the job application process should include the manner in which a preference should be claimed when a job is applied for. They should prescribe the means by which the applicant shall document and submit evidence of such things as the applicant's status as a veteran, disabled veteran, eligible relative, and United States citizen. It is the intent of the legislature that rules for claiming and documenting a preference do not place unreasonable burdens upon applicants and that, once an applicant has substantially complied with the rules, a public employer should make every reasonable attempt to verify the existence of the preference.

(2) Military conflicts. The legislature intends the rules to apply federal law to determine what constitutes a campaign or expedition for which a campaign badge is authorized by the congress of the United States or department of defense.

(3) Separations and discharges. The legislature intends the rules to apply federal law and further define separations under honorable conditions and the various types of discharges.

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(4) Hiring decision notices and explanations. The legislature intends the rules to provide for the form and content of written notices of hiring decisions, including whether the position was obtained as the result of application of the point preference by the public employer, written requests for explanations of hiring decisions, and written explanations of hiring decisions.

(5) Reopening of selection process. The legislature intends the rules to provide for a method of reopening the selection process for a job should a court order the selection process reopened and to include a method of giving notice to those who applied for the job, informing them of the reopening and the reason therefor.

(6) Appraisal methods. The legislature intends the rules to assist public employers in developing methods of appraising employee performance for the purpose of applying the retention preference.

LC27

6356k/c:Jeanne\WP:jj (rev 2-12-87)(rev 2-17-87)

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# STANDING COMMITTEE REPORT

February 17 19 87

## STATE ADMINISTRATION

Mr. Speaker: We, the committee on

report **HB 300**

☒ do pass  
☐ do not pass

☐ be concurred in  
☐ be not concurred in

☒ as amended  
☐ statement of intent attached

Chairman

Authorize optional retirement program for certain univ. system faculty and staff

1. Page 1, line 16.

Strike: "8"

Insert: "9"

2. Page 1, line 25.

Strike: "8"

Insert: "9"

3. Page 5, line 7.

Following: "amount"

Insert: "equal to the greater of:

(i) the employer contribution to the teachers' retirement system not used to amortize past service unfunded liability as that unfunded liability is limited by [section 9]; or

(ii) an amount"

4. Page 6, line 6.

Strike: "a"

Insert: "any"

5. Page 6.

Following: line 12

Insert: **"NEW SECTION. Section 9. Actuarial evaluation to determine unfunded liability. (1) Beginning June 30, 1991, the biennial actuarial valuation of the teachers' retirement system must include a determination of the past service unfunded liability of active, inactive, and retired members of the Montana university system. The valuation must determine the effect on the amortization of the unfunded liability of the teachers' retirement system caused by persons electing to participate in the optional retirement program.**

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(2) If the valuation determines that the percentage contribution established in [section 6(2)(b)] has an adverse effect on the amortization of the unfunded liability, then the board of regents shall pay an additional sum over a period of 40 years to rectify the adverse effect.

(3) Changes in the teachers' retirement system occurring after July 1, 1987, that create additional unfunded liabilities may not be considered in the valuation, and the board of regents may not be required to pay any additional sum on that account except to the extent that those changes benefit members of the teachers' retirement system who are employees of the Montana university system.

(4) If the valuation determines that the board of regents is paying an amount in excess of that needed to amortize the unfunded liability, the teachers' retirement board shall credit the board of regents for the excess payments. The board of regents shall credit the active participants in the optional retirement program with the excess payments."

Renumber: subsequent sections

6. Page 12, line 5.

Strike: "8"

Insert: "9"

7. Page 13, line 1.

Strike: "8"

Insert: "9"

*MS*

# STANDING COMMITTEE REPORT

February 17 19 87

Mr. Speaker: We, the committee on STATE ADMINISTRATION

SB 235

report

☒ do pass  
☐ do not pass

☐ be concurred in  
☐ be not concurred in

☐ as amended  
☐ statement of intent attached

Chairman

**Official State Vietnam Veterans' Memorial in Rose Park, Missoula**

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# STANDING COMMITTEE REPORT

February 17

19 87

Mr. Speaker: We, the committee on STATE ADMINISTRATION

report HJR 27

☒ do pass  
☐ do not pass

☐ be concurred in  
☐ be not concurred in

☐ as amended  
☐ statement of intent attached

Chairman

**Joint Resolution Expressing Support For Sitting Midgetman Missiles  
in Montana**

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# PLOTTING TO REWRITE THE U.S. CONSTITUTION

February, 1987

By Phyllis Schlafly

An unreported meeting of about 30 persons took place at the Mayflower Hotel in Washington, D.C., on December 5, 1986. What they decided on that day didn't find its way into the press until January 11, 1987, when the *New York Times* published a page-one story telling only some of what happened.

Those who gathered at the Mayflower were some serious-minded movers and shakers who are plotting to rewrite the United States Constitution. They openly assert that our Constitution impedes solutions to many of today's problems and needs to be changed. This is no ragtag bunch of nobodies. It includes some of the most influential and important persons in America. A feeling of quiet arrogance pervaded the discussions; clearly this little group sees itself as persons with the vision and talents of James Madison, Alexander Hamilton, Benjamin Franklin, and the other Founding Fathers who met at the Constitutional Convention in Philadelphia 200 years ago this summer.

One speaker admitted that they are known as "the parliamentary government group." Indeed, that is the purpose which brings them together. The aim of this group is to change the structure of the U.S. Government by eliminating the Separation of Powers and replacing it with a European parliamentary system.

The real name of this group is the Committee on the Constitutional System (CCS). The organization itself has a very low profile; indeed, its name I.D. among the American public must be close to zero. However, the members are important, influential and powerful men.

The chairman and driving force of the CCS is Lloyd N. Cutler, identified in the *New York Times* only as "a prominent Washington lawyer." To be a "prominent" lawyer in Washington, D.C., the city with more lawyers than any other, is to be exceedingly influential. Lloyd Cutler is better known as President Jimmy Carter's adviser regarding the unratified SALT II Treaty.

Other important CCS members include former Secretary of the Treasury C. Douglas Dillon, former World Bank president Robert S. McNamara, former chairman of the Senate Foreign Relations Committee and leading Senate internationalist for many years J. William Fulbright, Senators Daniel Patrick Moynihan of New York and Charles Mathias, Jr. of Maryland, former Congressman and leading internationalist in the House for many years Henry Reuss, former Governor Dick Thornburgh of Pennsylvania, and James MacGregor Burns, a professor and historian who is often quoted in the *New York Times*.

The CCS and its members have been toying around with radical ideas for rewriting the U.S. Constitution for about ten years. Now, because of the press coverage that will spontaneously be given to the Bicentennial of the Constitution by newspapers and other media, the CCS is grasping at the opportunity to use the Bicentennial as a vehicle to make

Americans dissatisfied with our Constitution and willing to accept structural changes.

In 1985, the Committee on the Constitutional System published its own 334-page book called *Reforming American Government*. It is a collection of 40 papers on the Constitution. They purport to discuss the Constitution from many different angles, but it is clear that the persistent message of this volume is dissatisfaction with our Constitution. The discussion of the Constitution in these papers is centered around such topics as "problem," "crisis," "reform," "defects," "decay," and "risk."

The *raison d'être* of the CCS volume is neatly summarized in the lead quotation by Robert S. McNamara which is featured on the back cover: "It is tempting to believe that our constitutional system, having survived for almost 200 years, can handle the daunting challenges it now confronts. But common sense warns us that it may not be so. These 'papers' are reassuring evidence that the creativity and sagacity of the original framers are still alive in this country. I hope they will help to stimulate a vigorous national debate over the best ways to meet the challenges of self-government in these difficult years."

When we analyze that statement, we can see that McNamara is saying that (1) common sense tells us that our Constitution is not adequate to today's challenges, and (2) the writers of the papers in the CCS book have as much creativity and sagacity as James Madison and George Washington. The book also makes it clear they can do a better job than the Founding Fathers, are planning on using the Bicentennial as a platform to achieve their goals.

For those too young to remember who Robert S. McNamara is, it should be noted that he leapt into the national scene in 1960 as the head of Ford Motor Company in the era of the Edsel, one of the biggest business failures of all time. He was Secretary of Defense from 1961 to 1967 under Presidents John F. Kennedy and Lyndon Johnson -- the years when we lost our eight-to-one military superiority to the Soviet Union. By the time McNamara left the Pentagon in 1967, the Soviets had achieved parity with us in strategic nuclear power. President Johnson then appointed McNamara president of the World Bank, where he spent years giving away American tax dollars and berating Americans for not giving away more of our earned wealth to Third World countries.

## The Separation of Powers

The Committee on the Constitutional System is very specific in its complaints about our Constitution and in its plan of action for replacing it. The CCS approved a report at the Mayflower meeting which asserts that the Separation of Powers between the executive and legislative branches has produced chronic "confrontation, indecision and deadlock" and also diffused "accountability for results." The CCS bemoans the declines of political parties and the increase in ticket-splitting by voters.

LOIS - FROM PAVLOVICH

OFFICE OF THE GOVERNOR  
BUDGET AND PROGRAM PLANNING



TED SCHWINDEN, GOVERNOR

STATE CAPITOL

STATE OF MONTANA

(406) 444-3616

HELENA, MONTANA 59620

MEMORANDUM

TO: Representative Robert Pavolovich

FROM: David L. Hunter  
Budget Director

*David L. Hunter*

RE: HB38 - VETERANS PREFERENCE

DATE: February 16, 1987

If HB38 were amended to eliminate Section 2, the fiscal impact would be as follows:

Assumptions:

1. No scored procedures would be required.
2. Current selection procedures would not change.
3. Application materials, explanation of rights under preference act would have to be revised.
4. Use current State Application Form until supply is deleted.

Fiscal Impact:

These would be implementation costs and includes counties/cities.

Rule Adoption - 2 rules	\$2,020
Technical Assistance	950
Training for Hiring Authorities	2,349
Revise State Application Form	200
Recordkeeping System (PPP)	<u>1,000</u>
TOTAL	\$6,519

Technical Concerns:

The veterans preference in reduction of force (RIF) would increase the complexity of layoffs and the risk of litigation. It is impossible to estimate these potential additional costs to the state and local government.

The fiscal note submitted on HB38 reflected an annual fiscal impact of \$250,000. In comparison, the deletion of Section 2, would indicate a one time charge of \$6,500.



*Do Pass*  
*to include*

ROLL CALL VOTE

State Administration

COMMITTEE

DATE 2/17/87 BILL NO. 38 NUMBER \_\_\_\_\_

NAME	AYE	NAY
Walt Sales	✓	
John Phillips	✓	
Bud Campbell	✓	
Dorothy Cody		✓
Duane Compton		✓
Gene DeMars	✓	
Harry Fritz		✓
Harriet Hayne	✓	
Gay Holliday		✓
Loren Jenkins	✓	
Janet Moore	✓	
Richard Nelson		✓
Helen O'Connell	✓	
Mary Lou Peterson		✓
Paul Pistoria	✓	
Rande Roth		✓
Tonia Stratford		✓
Timothy Whalen		✓

TALLY

9 9

Secretary

Chairman

MOTION: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## VISITORS' REGISTER

STATE ADMINISTRATION

COMMITTEE

BILL NO.

706

DATE

2/17/87

SPONSOR

Dane Brown

NAME (please <u>print</u> )	REPRESENTING	SUPPORT	OPPOSE
Lloyd M. Erickson	Citizen Representation AARP	✓	
DANE BROWN	HD-72 - sponsor	✓	
Joe Upshaw	AARP	✓	
Sheila Cates	State Library	✓	
Jim Jensen	MEIC	✓	
Riley Johnson	Mont. Home Builders, NFIB	✓	

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

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

## VISITORS' REGISTER

STATE ADMINISTRATION

COMMITTEE

Senate

BILL NO.

285

DATE

2/17/87

SPONSOR

Faneel

NAME (please print)	REPRESENTING	SUPPORT	OPPOSE
Charlie Brown	VME	✓	
Dee Hanson	American Legion	✓	
Kelly Holmes		✓	
Norm Lappala	UUC - DAV	✓	
Bob Huntley		✓	
George O. Lorton	United Veterans Committee	✓	
Rich Brown	MT. Vet. Affairs	✓	
Dave Brown	#D-72	✓	
Mike Otyah	Seef-Helena	✓	

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FORM

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

## VISITORS' REGISTER

STATE ADMINISTRATION

COMMITTEE

BILL NO.

459

DATE \_\_\_\_\_

2/17/89

SPONSOR

Keenan

[illegible]

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

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

## VISITORS' REGISTER

STATE ADMINISTRATION

COMMITTEE

*HJR*  
-BILL NO. 27

DATE 2/17/87

SPONSOR Phillips

[illegible]

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FORM

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

SPONSOR AMENDMENTS TO HOUSE BILL NO. 706:

1. Page 3, line 25.

Following: "(2)"

Insert: "(a)"

2. Page 4.

Following: line 5

Insert: "(b) A copy of the notice required under subsection  
(2)(a) must be sent to the lieutenant governor who may  
publish the notice in an appropriate publication."

7047b/CNCL87

HOUSE BILL 459

INTRODUCED BY KEENAN, FARRELL, OTHERS

BY REQUEST OF THE GOVERNOR AND THE SECRETARY OF STATE

A BILL FOR AN ACT ENTITLED: "AN ACT CHANGING THE DATE OF THE MONTANA PRESIDENTIAL PRIMARY AND SCHOOL ELECTIONS; AMENDING SECTIONS 13-1-104, 13-1-302, 13-10-401, 13-10-402, 13-38-204 AND 20-20-105, MCA; AND PROVIDING A CONTINGENT EFFECTIVE DATE."

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

Section 1. Section 13-1-104, MCA, is amended to read:  
"13-1-104. Times for holding general elections. (1) A general election shall be held throughout the state in every even-numbered year on the first Tuesday after the first Monday of November to vote on ballot issues required by Article III, section 6, or Article XIV, section 8 of the Montana constitution to be submitted by the legislature to the electors at a general election, unless an earlier date is provided in a law authorizing a special election on an initiative or referendum pursuant to Article III, section 6, and to elect federal officers, state or multicounty district officers, members of the legislature, judges of the district court, and county officers when the terms of such offices will expire before the next scheduled election for the offices or when one of the offices must be filled for an unexpired term as provided by law.

(2) A general election shall be held throughout the state in every odd-numbered year on the first Tuesday after the first Monday in November to elect municipal officers, officers of political subdivisions wholly within one county and not required to hold annual elections, and any other officers specified by law for election in odd-numbered years when the term for the offices will expire before the next scheduled election for the offices or when one of the offices must be filled for an unexpired term as provided by law.

(3) The general election for any political subdivision required to hold elections annually shall be held on school election day, the first Tuesday of April of each year, and is subject to the election procedures provided for in 13-1-401."

Section 2. Section 13-1-302, MCA, is amended to read:

"13-1-302. Election costs. (1) Unless specifically provided otherwise, all costs of the regularly scheduled primary and general elections shall be paid by the counties and other political subdivisions for which the elections are held. Each political subdivision shall bear its proportionate share of the costs as determined by the county governing body.

(2) A political subdivision holding an annual election with a regularly scheduled school election shall bear its proportionate share of the costs as determined by the county election administrator and the school district election administrator.

(3) The political subdivision for which a special election is held shall bear all costs of the election, or its



proportionate share as determined by the county governing body if held in conjunction with any other election.

(4) THE COSTS OF THE PRESIDENTIAL PREFERENCE PRIMARY PROVIDED FOR IN 13-10-401 SHALL BE PAID BY THE COUNTIES EXCEPT WHEN THE GOVERNING BOARDS OF A COUNTY AND A SCHOOL DISTRICT CHOOSE TO HOLD THE PRESIDENTIAL PREFERENCE PRIMARY IN CONJUNCTION WITH A REGULARLY SCHEDULED SCHOOL ELECTION IN WHICH CASE EACH SHALL BEAR ITS PROPORTIONATE SHARE.

(5)(4) Costs of elections may not include the services of the election administrator or capital expenditures.

(6)(5) The county governing body shall set a schedule of fees for services provided to school districts by the election administrator.

(7)(6) Election costs shall be paid from county funds, and any shares paid by other political subdivisions shall be credited to the fund from which the costs were paid.

(8)(7) The porportionate costs referred to in subsection (1) of this section shall be only those additional costs incurred as a result of the political subdivision holding its election in conjunction with the primary or general election.

Section 3. Section 13-10-401, MCA, is amended to read:

"13-10-401. Date of presidential primary. In the years in which a president of the United States is to be elected, a presidential preference primary election will be held on the same day as the primary election provided for in ~~13-1-107~~ 20-20-105."

Section 4. Section 13-10-402, MCA, is amended to read:

"13-10-402. Ballot. The regular party primary ballots A separate ballot shall be used for the presidential preference primary election. The presidential section of the ballot shall be placed before any other section, national, state, or local."

Section 5. Section 13-38-201, MCA, is amended to read:

"13-38-201. Election of committeemen at primary. (1) Each political party shall elect at each primary election one man and one woman who shall serve as committeemen for each election precinct. The committeemen shall be residents and registered voters of the precinct.

(2) An elector may be placed in nomination for committeeman by a writing so stating, signed by the elector, notarized, and filed in the office of the registrar within the time for filing declarations naming candidates for nomination at the regular biennial primary election.

(3) The names of candidates for precinct committeeman of each political party shall be printed on the party ticket in the same manner as other candidates and the voter shall vote for them in the same manner as he does for other candidates.

(4) In the years in which a president of the United States is to be elected, the election of precinct committeemen must be held on the same day as the election provided for in 20-20-105. In other years, the election of precinct committeemen must be held on the same day as the primary election provided for in 13-1-107(1)."

Section 5. Section 20-20-105, MCA, is amended to read:

"20-20-105. Regular school election day and special school elections. The first fourth Tuesday of April March of each year

shall be the regular school election day. Unless otherwise provided by law, special school elections may be conducted at such times as determined by the trustees."

NEW SECTION. Section 6. Precedence of ~~seheel~~ election provisions. Except as otherwise provided in this title, presidential preference primary elections must be conducted and canvassed and the results must be returned in the same manner as primary elections. If a conflict arises between the requirements of this title and the provisions of Title 20 relating to school elections, the provisions of Title 20 prevail when the two elections are administered together. When they are not administered together, the provisions of Title 13 shall prevail."

NEW SECTION. Section 7. Arrangement of names. The provisions of 13-12-205 shall not apply to the presidential preference primary ballot, but each election administrator will determine by lot the order of candidates' names on the ballot for that county."

NEW SECTION. Section 8. Extension of authority. Any existing authority of the secretary of state to make rules on the subject of the provisions of this act is extended to the provisions of this act.

NEW SECTION. Section 9. Codification instruction. Sections 5 6 and 7 are intended to be codified as an integral part of Title 13, chapter 10, part 4, and the provisions of Title 13, chapter 10, part 4, apply to sections 6 and 7.

NEW SECTION. Section 10. Contingent effective date. This

act is effective on passage and approval of legislation or  
adoption of party rules establishing the fourth Tuesday of March  
as the presidential preference primary election date dor  
presidential caucus date in any two of the following states:  
Idaho, Oregon, or Washington.

-End-

SPONSORS'

AMENDMENTS TO HB459

1. Title, line 7.  
Following: "SECTIONS"  
Insert: "13-1-104, 13-1-302,"
2. Title, line 7.  
Strike: "13-38-201,"
3. Page 1, line 11.  
Following: "BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF  
MONTANA:"  
Insert:

Section 1. Section 13-1-104, MCA, is amended to read:

**13-1-104. TIMES FOR HOLDING GENERAL ELECTIONS.** (1) A general election shall be held throughout the state in every even-numbered year on the first Tuesday after the first Monday of November to vote on ballot issues required by Article III, section 6, or Article XIV, section 8, of the Montana constitution to be submitted by the legislature to the electors at a general election, unless an earlier date is provided in a law authorizing a special election on an initiative or referendum pursuant to Article III, section 6, and to elect federal officers, state or multicounty district officers, members of the legislature, judges of the district court, and county officers when the terms of such offices will expire before the next scheduled election for the offices or when one of the offices must be filled for an unexpired term as provided by law.

(2) A general election shall be held throughout the state in every odd-numbered year on the first Tuesday after the first Monday in November to elect municipal officers, officers of political subdivisions wholly within one county and not required to hold annual elections, and any other officers specified by law for election in odd-numbered years when the term for the offices will expire before the next scheduled election for the offices or when one of the offices must be filled for an unexpired term as provided by law.

(3) The general election for any political subdivision required to hold elections annually shall be held on school election day, ~~the first Tuesday of April of each year,~~ and is subject to the election procedures provided for in 13-1-401.

Section 2. Section 13-1-302, MCA, is amended to read:

**13-1-302. ELECTION COSTS.** (1) Unless specifically provided otherwise, all costs of the regularly scheduled primary and general elections shall be

paid by the counties and other political subdivisions for which the elections are held. Each political subdivision shall bear its proportionate share of the costs as determined by the county governing body.

(2) A political subdivision holding an annual election with a regularly scheduled school election shall bear its proportionate share of the costs as determined by the county election administrator and the school district election administrator.

(3) The political subdivision for which a special election is held shall bear all costs of the election, or its proportionate share as determined by the county governing body if held in conjunction with any other election.

(4) The costs of the presidential preference primary provided for in 13-10-401 shall be paid by the counties except when the governing boards of a county and a school district choose to hold the presidential preference primary in conjunction with a regularly scheduled school election in which case each shall bear its proportionate share.

~~(5)~~ ~~(4)~~ Costs of elections may not include the services of the election administrator or capital expenditures.

~~(6)~~ ~~(5)~~ The county governing body shall set a schedule of fees for services provided to school districts by the election administrator.

~~(7)~~ ~~(6)~~ Election costs shall be paid from county funds, and any shares paid by other political subdivisions shall be credited to the fund from which the costs were paid.

~~(8)~~ ~~(7)~~ The proportionate costs referred to in subsection (1) of this section shall be only those additional costs incurred as a result of the political subdivision holding its election in conjunction with the primary or general election.

Renumber: subsequent sections.

4. Page 1, line 23.

Strike: Section 3 in its entirety.

Renumber: subsequent sections.

5. Page 3, line 1.

Strike: "school"

6. Page 3, line 7.

Following: "prevail"

Insert: "when the two elections are administered together.  
When they are not administered together, the  
provisions of Title 13 shall prevail"

7. Page 3, line 9.

Following: Old Section 5, renumbered Section 6.

Insert:

"NEW SECTION. Section 7. Arrangement of Names. The provisions of 13-12-205 shall not apply to the presidential preference primary ballot, but each election administrator will determine by lot the order of candidates' names on the ballot for that county."

Renumber: subsequent sections.

8. Page 3, line 14 (in renumbered Section 9, Codification instruction.  
Strike: "5"  
Insert: "6 and 7"
9. Page 3, line 16.  
Strike: "5"  
Insert: "6 and 7"
10. Page 3, line 18.  
Following: "legislation"  
Insert: "or adoption of party rules"

Peace Legislative Coalition  
Box 61, Butte 59703 443-7322, 549-9679

Testimony on HJR 27 - 2/17/87

Mr. Chairman, members of the committee, I am here representing the Peace Legislative Coalition. Thank you for the opportunity to oppose HJR 27.

Our objections to this resolution begin with its language. The title states that it is an expression of support for the siting of the Midgetman missile within Montana. In fact, the resolution itself nowhere supports Midgetman. It does offer cooperation, but that's hardly the same thing. I believe legislative rules require that the title accurately reflect content. This does not.

Also, the resolution endorses democracy and democratic ideals. Yet just last week Midgetman cheerleaders and this committee killed the idea of a simple democratic test. Moreover, our own Air Force testified against a public vote - certainly the political equivalent of heresy. That the word democracy doesn't stick in the throats of Midgetman supporters is a marvel.

I couldn't help but notice that this resolution will be sent to military leaders and the Pentagon, not to Congress and the White House. It's the implication that we should ignore our elected government and relate directly with the military instead? Chile and Poland provide excellent examples for this governmental model.



As you know, Midgetman raises many questions, not the least of which are strategic. Aren't 30,000 warheads enough? Do we want to lessen our security by adding weapons that the Soviets consider first strike? Is Midgetman so vital we must violate SALT II? Perhaps the Soviets have cheated, but no one has alleged Soviet violations as significant as Midgetman would be.

There are also land and road use questions. What of the loss of prime farm land? Do we want on our roads a machine that is half again as wide as a semi and more than twice as heavy? If the Air Force is telling the truth, that it won't be on our roads, it will be the first weapons system ever produced that is <sup>regularly</sup> field tested. In England, the U.S. takes Midgetman-like Cruise missile launchers out on the roads all the time.

And the economics? At most, only 2 billion of our 40 billion tax dollars spent on Midgetman will reach Montana. The rest goes to all the out of state contractors. Glasgow, the Williston Basin and the Berkeley Pit are all testaments to reliance on boom/bust industries. We <sup>also</sup> need to ask whether advertising Montana as a nuclear weapons depot enhances our business climate.

Finally, can we ignore our federal budget problems. One Midgetman warhead costs us \$88 million - 3 to 4 times the cost for other systems. Given congressional reluctance to increase military spending and calls for a balanced budget, Midgetman may even take dollars from other military programs. It would be ironic

to discover that greedy Midgetman boosters are advocating, in effect, the weakening of our armed services. Frankly, it's embarrassing to see otherwise fiscally conservative legislators trampling each other to reach the new stop in Uncle Sam's trough.

We all feel we can answer some of these questions. We all must admit that some need more looking into. This is a democracy. Of course we should be able to ask, debate and decide on Midgetman. The federal government has no more right to shove a missile system down our silenced throats than it does a wilderness area, a ~~the~~ drinking age or a water project.

Four years ago, most Montanans, in fact most Montanans in all but two of our countries, said they were "opposed to any further testing, development or deployment of nuclear weapons by any nation." This resolution is a direct slap in the face to all Montanans and to the democratic initiative process. You've received your guidance. Most Montanans oppose HJR 27. At least you could have asked Montanans again. The delays and alterations that the MX experienced prove that 1988 wouldn't be too late.

Do you believe most Montanans support Midgetman? Of course not, otherwise you'd have supported a referendum. You know that, if put to a vote, Montanans would overwhelmingly reject the unnecessary, dangerous, silly, pork barrel Midgetman.

But, I'm fair, I'll admit I could be wrong. PLC supported a referendum because we believe defending democracy is meaningless unless you practice democracy. We're not afraid to take that risk.

That's why we're a little confused. Here we have believers in a militarily strong America; here we have supporters of deploying <sup>yet</sup> H-bombs - the most powerful weapons devised; here we have a representative, the bill's sponsor, who served honorably in the armed forces, and all are too cowardly to let Montanans vote.

Mr. Chairman, members of the committee, Representative Phillips, I offer a challenge. Change this resolution into a ballot referendum. We'll fight our case before the people, even on a pro-Midgeman referendum. Demonstrate that you, too, have the courage of your convictions.

Otherwise, tell this resolution. Montanans have already said what they want you to do.